

**\* GOVERNOR GENERAL DECREE**

**NUMBER (22) FOR 1964**

**To Issue the Executive Charter of Law Number 8 for 1964 to Issue the Insurance**

**And Pension Law for the Employees, Workers and Laborers of the Public Administration, Municipal and Rural Councils, and the Department of Islamic Waqf at Gaza Strip**

**Governor General**

**After reviewing Decision of Law Number 8 for 1964 to issue the Insurance and Pension Law for the Employees, Workers and Laborers of the Public Administration, Municipal and Rural Councils, and the Department of Islamic Waqf at Gaza Strip:**

**It was decided**

**Article 1:**

**The provisions of the attached charter will be put into force with respect to the implementation of the mentioned Law Number 8 for 1964.**

**Article 2:**

**The Chairman of the Board of Directors of the Fund and Pensions will issue the instructions regulating work within the limits of the provisions of the law and its attached executive charter according to work necessities; he may also amend the samples attached to the attached charter according to work needs.**

**Article 3:**

**This Decree will be published in the Official Gazette and put into force as of the first of July 1964.**

**General**

**Youssef Abdullah Al Agroudi**

**Governor General of Gaza Strip**

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**\* Published in Palestinian Gazette, extra ordinary issue dated 18 July 1964 page 29.**

**THE EXECUTIVE CHARTER OF THE INSURANCE AND PENSION LAW**

For the Employees, Workers and Laborers of the Public Administration, Municipal and Rural Councils, and the Department of Islamic Waqf at Gaza Strip Issued by Decision of Law No. 8 for 1964.

**PART ONE**

**GENERAL PROVISIONS**

**Article 1:**

In applying the provisions of the charter the following will mean:

- (a) Decision of law: Decision of Law no. 8 for 1964 to issue the mentioned Insurance and Pension Law.
- (b) Law: The Insurance and Pension Law issued by the mentioned Decision of Law Number 8 for 1964.
- (c) Salary: Salary or wage as explained in item 5 of Article (1) of the mentioned Decision of Law Number 8 for 1964.
- (d) Memberships: The sums deducted monthly at (10%) from the salaries of the beneficiaries from the provisions of the law.
- (e) Government Share: The sums paid by the Public Administration, Municipal and Rural Councils, and the Department of Islamic Waqf to the accounts of the beneficiaries from the provisions of the law at (12.5%) of their salaries.
- (f) Special Installments: The installments of previous service periods, substitution installments, loan installments, and other debts payable to the fund by the beneficiaries and include installments of previous period; the installments for refunding the share of the administration in the saved money, and the installments for membership for previous period whether till the age of sixty or via the substitution Table.

**Article 2:**

The Insurance and Pension Administration will be responsible for the application of the provisions of Law Number 8 for 1964 and monitoring its implementation, especially the following:

- 1- The collection and revision of the monies from which the Fund resources are comprised, those are:
  - (a) Memberships and installments deducted monthly from the salaries and wages of the Beneficiaries of the Provisions of the Law for current or previous periods.
  - (b) The sums paid by the authorities that apply the provisions of the mentioned law.
  - (c) The revenue of investing the Fund's monies.
  - (d) Other resources resulting from various activities.
- 2- Demanding from the public treasury and other authorities that apply the provisions of the law, according to the case, the following monies and monitoring its administration:
  - (a) The sums mentioned in item (b) of Article (8) of the Law.
  - (b) The sums mentioned in Article (7) of the decision of law.
  - (c) What may result from a deficit in the revenues of investment of Fund's monies or its reserves.
- 3- The estimation, settlement and payment of:
  - (a) Bonuses.
  - (b) Insurance sums.
  - (c) Pensions.
  - (d) Funeral expenses and bonus Decreed by the law.
- 4- Giving loans and collecting the repayment installments according to the law.
- 5- Conducting the pension substitution operations according to the provisions of the law.
- 6- Conducting periodical operations to pay monthly pensions to those entitled to them.
- 7- Monitoring pension entitlement conditions to continue paying the pension or suspend it or return it to the remaining entitled people.
- 8- Implementing the decisions of the Board of Directors in all that is related to the activities of the Fund after authenticating them from the Executive Council.
- 9- Reviewing draft laws of insurance and pensions that put financial burden on the public treasury and Insurance and Pension Fund before presenting them to the Board of Directors and executive council.
- 10- Examining the financial situation of the Fund to evaluate the value of existing commitments, at the times and according to the regulations stated in the law, and preparing the necessary application forms for that purpose and issuing the directions necessary for that.
- 11- Giving a number to every department and beneficiary of the provisions of this Law and those hired in the

future. That number will remain fixed and attached to him/her throughout his/her service period even if transferred to another department.

**Article 3:**

Employees departments at the authorities implementing the provisions of this Law should prepare records and complete the information of the application forms needed for the implementation of the provisions of this charter and the instructions of the Insurance and Pension Fund.

Employees departments should inform the Insurance and Pension Administration of the decision to appoint beneficiaries, they promotions, raises, transfer, loaning, and the leaves granted without pay and all that affects their salaries.

Those departments should prepare social and occupational status information for all beneficiaries present in the service or hired in the future and fall under the provisions of the law. That information is provided on the application form prepared by the Insurance and Pension Administration for that purpose and at the times it specifies.

**Article 4:**

The Insurance and Pension Administration will prepare a card for every beneficiary will the following information:

- 1- Name of beneficiary
- 2- His/her number
- 3- Date of birth
- 4- the department where he/she works
- 5- Number of the department where he/she works
- 6- Date of joining service
- 7- Date of beginning his/her previous service period that was calculated in the savings system.
- 8- whether he/she was a member for his/her previous service period mentioned in the previous item.
- 9- Value of installment for previous period if available.

This information will be acquired from the record of the beneficiaries kept at the department. That card will be given to each beneficiary after signing for receipt, in order to keep it and present it if the need arises.

**PART TWO**

**Payment of Memberships and Special Installments,  
Collecting Them and Refunding What Has Been Collected Without Right**

**CHAPTER ONE**

**Payment and Collection of Memberships and Special Installments**

**Article 5:**

If the salary was reduced for any reason, deduction of memberships will be done based on the reduced salary. Deduction as a result of penalty will not be considered as a salary reduction, and in that case memberships will be collected based on the base salary before the deduction. While in the case of special installments, they would be payable to the fund even if the deserved salary was reduced while taking into consideration the provisions of Article (53) of the Law.

**Article 6:**

Salary divisions at the departments implementing the provisions of the Law with respect to the collection of memberships and installments payable to the Fund will take the following procedures:

- 1- Allocate two types of salary records as follows:
  - (a) Amendments of salary records for the beneficiaries of the provisions of Law Number 8 for 1964 to include the information explained in item 2.
  - (b) Special records for the salaries of the non-beneficiaries of the provisions of the mentioned law.
- 2- Prepare independent records of the salaries of the beneficiaries of the provisions of the law that include the number of the department, number of the beneficiary, his/her name, number of the loan, basic monthly salary, high cost of living bonus deserved, without the bonus deserved for children and the sums deducted for the Fund from the beneficiary's government's share for the current and previous period and loan installments, and that from the mentioned salary records.

With respect to daily wage workers, it is taken into consideration to include in the salary report the salary deserved for a maximum of 26 days only, with any exceeding that amount paid independently as overtime. When writing those records the following is taken into account:

- (a) Adding the value of the share paid by the authorities implementing the provisions of the law to the salaries of those benefiting from its provisions on the bases of which memberships are deducted in preparation for deducting it once again within the deductions.

- (b) Allocating a separate column for every one of the special installments to be deducted.
- 3- Prepare a list of the information explained in item 2 for every beneficiary according to application number (1) insurance and pensions, made out of an original and three copies signed by the concerned official and the head of the department, from the salary records, retaining one. That information will be recorded monthly in a special record that includes all the information explained in sample number (1) insurance and pensions. Provided that a separate application form is dedicated to the beneficiaries on different levels, and another application form for those who receive deducted salaries and a third for those receiving daily wages.
  - 4- Those divisions after completing the salary and wage reports will send them to the concerned employee departments with the original and two copies of application form number (1) insurance and pensions attached, the salary department keeps the third copy.

Article 7:

Employee divisions revise the salary and wage records and application forms number (1) insurance and pensions. They send them to the concerned accounting departments after retaining a copy of application form number (1) insurance and pensions.

Accounts divisions increase the sums deducted from the beneficiaries, which are listed in the salaries and wages reports lists, application forms number (1) insurance and pensions in the reserves account under a special branch named the Insurance and Pension Fund.

Article 8:

Accounting department makes payments and draws checks to the Insurance and Pension Fund account within the first five days of the months, with the original application number (1) insurance and pensions attached. With a portfolio that includes the sums payable to every type of memberships and installments deducted for every:

- (a) Government share.
- (b) Memberships deducted for current periods.
- (c) Installments due for previous periods.
- (d) Loan installments

Provided that the value of each of those types equal that of the attached checks.

If checks were received with the original application form number (1) insurance and pensions or the mentioned portfolio attached, the insurance and pensions division should return the checks to the issuing authority to fulfil all procedures.

In that case the employee causing that error will bear the penalty of a late interest of (4.5%) of the value of the checks as of the sixth day of the month till the date they are returned complete to the insurance and pensions division. The responsible employee will also carry the same penalty mentioned if the checks were sent after the fifth day of the month even if complete.

Article 9:

It should be taken into consideration with respect to application forms number (1) insurance and pensions – that are prepared from the salaries of the month of July 1964 and paid on the first of August 1964, to prepare an additional copy of the aforementioned application form number (1), in addition to what was mentioned, to the insurance and pensions divisions. That division numbers all divisions and gives numbers to beneficiaries and returns them to the concerned salary departments to mention those numbers when preparing the application forms for subsequent months.

Article 10:

Salary divisions, employees departments, and accounting divisions keep a copy of application forms number (1) insurance and pensions - at a special file to refer to when needed and to record the information received monthly at the special records.

Article 11:

Payable memberships should be collected for the differences in periodic raises, as well as promotion raises, when those raises are paid at a time other than that for paying salaries. The same procedures as those taken for monthly salaries should be followed, provided it should be explained in the comments column the date of receiving those raises, their value, and the period for which the frozen was paid. In that case the same rules stated in the previous rules should be followed in filling out application form number (1) insurance and pensions, adding to that application form the word "attachment", it should be written in clear writing, in red ink, on the top of the application form.

Article 12:

If an employee was transferred from one department to another, that should be explained in the application form number (1) insurance and pensions – of the department from which he was transferred, as well as the department to which he was transferred as on the beginning of the month following the transfer, provided that his/her name is no longer mentioned in the application forms of the department from which he/she was transferred and to be added to the application forms of the department to which he/she was transferred. This should be explained in the comments column.

Article 13:

Every department should mention the department and beneficiary numbers when filling out the application forms of the Insurance and Pension Fund, as well as in any correspondence regarding the beneficiaries.

**Article 14:**

In case it was not possible to make any deductions for membership or special installments payable to the fund at their due time, then the payment of those memberships and installments to the insurance and pensions division will be made in one installment by deduction on secure account of the beneficiaries on whom a deduction was not imposed, provided it is later deducted from the beneficiaries to settle the secure account.

The person responsible for the delay in sending the accruals of the division will be bear the penalty with an interest of (4.5%) calculated as of the day following the end of the designated date till the end of the date of settlement.

**Article 15:**

The Insurance and Pension Administration should take the following procedures:

1. Opening a file for every beneficiary in which it keeps all his/her papers.
2. Revising application forms number (1) insurance and pensions monthly for every beneficiary to confirm the deductions for every category of beneficiaries and for every type of deductions and having them ratified by the concerned official to that effect.
3. Recording memberships and special installments deducted from the categories of beneficiaries in records where information from sample number (1) insurance and pensions are recorded monthly.

The following should be taken into consideration when dealing with the aforementioned records:

- (a) Recording the number, name, and date of birth of the beneficiary, as well as the name and number of the division.
- (b) Recording every type of special installments payable separately.
- (c) The date of the beginning and end of every one of the special installments and the method of payment.
- (d) In case the beneficiary pays the amounts payable to the fund in cash, the number of the settling check, its date, and the name of the bank on which the check was withdrawn, or the payment notification at the bank where the fund money is deposited should be mentioned.



## **CHAPTER TWO**

### **Refund of Memberships and Sums Collected Without Right**

#### **Article 16:**

Every authority repays the memberships or installments deducted from the salaries of the beneficiaries, and the sums paid by the treasury or the authorities under the provisions of this Law the fund account by mistake in the following situations:

- (a) If the memberships were deducted from sects not under the provisions of the law.
- (b) If the sums were paid in repetition or in excess.

#### **Article 17:**

The authority pays the accrued sums to the person concerned to settle it to the account of its special items deducting them from the secure account under collection from the division. This account is settled from the increased sums at the secure account – insurance and pensions – provided that attached to the documents of paying the excluded sums is a portfolio clarifying the name and number of the beneficiary as well as the sum to be refunded, and the number and date of receipt at the fund, in addition to the reason for the refund, mentioning the number of the repayment check, the sum to the beneficiary, and its date on application form number (2), the sample of which is attached. The insurance and pensions division should register that in the memberships and installment record, in the page of the beneficiary.

**PART THREE**

**Payment of Loans Secured by the Salary and Bonus, or Insurance or Pension**

**Article 18-1:**

The Board of Directors of the Fund sets at the beginning of every fiscal year the value of the sums it allocated for lending employees, provided it determines the interest calculated on those loans so that it is not less the (4.5%) annually. The Board, if the mentioned allocations were insufficient, may allocate other sums for that purpose throughout the year. A record will be made in which the value and date of the decided allocations is explained, and from which the value of every loan is deducted, provided that the value of the granted loans does not exceed that of the allocations.

- 2: A person requesting a loan should present a request to the Insurance and Pension Administration by registered mail, giving his name, number, the name of the division he follows, the requested sum, and the period of repayment.
- 3: The Insurance and Pension Administration registers the incoming loan requests in the loan register record in serial numbers. Requests not fulfilling requirements are not recorded, instead, are returned to requester.
- 4: The employee concerned with making the registrations in the records should mention on the request the name of the person lodging the request, his number, date of birth, service calculated in the pension, and monthly salary provided he signs to the authenticity of that information.
- 5: The request is presented to the Head of the Department to authorize the value and period of repayment after the concerned employee states that the item allows it.
- 6: Approval of loans is made upon the priority of registering the complete applications in the record mentioned in item 3.
- 7: The estimation of the value of the loan and the rules of repayment is made according to the conditions and circumstances stated in Article (49) of the Law, provided that the value of the sum approved is approximated to the nearest Pound.
- 8: The beneficiary is notified of the acceptance of his/her application and the approved sum, the amount of the monthly installments, and the end of repayment period, by registered mail, or the notification is handed to him in person at the headquarters of the Insurance and Pension Administration, signing a copy as proof of receipt after confirming his identity.

9: In case of accepting the estimation, the person requesting the loan should sign to that effect either in person at the headquarters of the Insurance and Pension Administration or by a statement signed by himself/herself and authenticated by two beneficiaries from the provisions of the law and the immediate supervisor, and is stamped by the stamp of the department they are affiliated to. The statement in that case is then sent by registered mail.

10: Documents related to the request for loan are kept in its folder, mentioned in Article (15).

Article 19:

Calculating interests pertaining to the loan amount will be calculated as follows:

- (a) In case of payment in installments in one year, interest is calculated at the rate decided for the full sum of the loan for one year.
- (b) In case of payment in installments in two years, interest will be calculated on the full loan for the first year in addition to an interest of the same rate for a year on half the value of the loan.
- (c) In case of payment in installments in three years, interest will be calculated on the full loan for the first year in addition to an interest on two thirds of the loan for the second year. Then an interest on a third of the loan in added for the third year at the same rate decided.
- (d) Total due interest is deducted from the value of the loan before payment.

Article 20:

To calculate the loan repayment installment, the full loan is divided on the repayment period by months, rounding the fractions to the nearest piaster in appreciation.

Article 21:

The Insurance and Pension Administration issues the repayment check, provided it is non-transferable and sends it with a letter by registered mail to the beneficiary, the letter states the number of the check, its date, the net value of the check, the value of the installment, the date of beginning deductions, and the end of the repayment period. Alternatively, it hands it to him/her in person after confirming his/her identity.

Article 22:

The Administration registers the information of the loan in special records according to its serial numbers, including the name and number of the beneficiary, the department he/she is affiliated with, the sum paid, the duration of repayment, the beginning and end of installments, the number and date of the check, and the name of the bank on which that check is withdrawn.

Article 23:

The Insurance Administration should notify on the first day of every month the salaries division of every department of a statement of the loans the department has paid during the previous month including the name and number of the borrower, the value of the loan, repayment period, date of the beginning of deductions,

Date of end of deductions and the value of the due installment to implement the deduction as of the salary or wage of the same month; a copy of that record is sent to the employees division to supervise the implementation of it.

**Article 24:**

The Insurance and Pension Administration monitors the collection of the installments of those loans monthly and records them in the page allocated to every beneficiary in the loan register, disputing the authorities in case of not implementing the deduction properly.

If the service of the borrower ended for any reason before settling the loan in full the remaining balance will be deducted from the bonus or pension deserved, or from the insurance sum he deserves in case of death or dismissal from service as a result of disability. The remaining balance may not be deducted from the pension payable to the legatees except within the limit of a quarter. If there were no accruals from which the balance could be deducted, the fund will take a deduction from the revenue of investing its funds.

**PART THREE****The Insurance and Pension System****CHAPTER ONE****Determining Beneficiaries of Insurance Sums****Article 25:**

If the beneficiary did not want to pay the insurance sum due in case of his/her death while in service to his/her legal beneficiaries according to religious percentages, he/she should identify the beneficiaries of that sum and their shares on the application form prepared according to attached sample number (3). Application forms filled to that effect prior to the implementation of the law will not be taken into consideration.

**Article 26:**

The beneficiary fills out the mentioned application form in three duplicates. The following should be taken into consideration when filling it:

- (a) All information in the application form should be filled with one selection of ink, without crossing out, erasing, or condensing as this would result in the nullification of the application form.
- (b) Should sign this application form in person showing the date of signing. The immediate supervisor should also sign to the effect of the authenticity of the beneficiary's signature, and date, while stamping the application form with the department stamp.
- (c) The application form should include the full names of the beneficiaries, mentioning the degree of each relationship to the beneficiary if existing, and the percentage of the compensation allocated to each one.

**Article 27:**

The department the beneficiary from the provisions of this Law follows should send the three duplicates of the application form after being filled up and authenticated by the administration to the Insurance and Pension Administration by registered mail. In case of sending more than one application in the same letter a list with the names of the persons lodging the application forms is attached in duplicate.

**Article 28:**

The Insurance and Pension Administration should prepare a record to register the requests to select beneficiaries according to the application form to determine the wish to pay insurance sums after revising the information in it and ascertaining its completion.

The record should include the following information:

- (a) Date of receipt and date of application form.
- (b) Number of registering the application form in the record.
- (c) Name of beneficiary.
- (d) Date of birth
- (e) Names and shares of appointed beneficiaries.
- (f) Degree of relationship to the beneficiary if present.
- (g) New amendments.

The Insurance and Pension Administration should also prepare an alphabetical card for every applicant showing the name, number of registering the application form in the record, date of birth, and dates of new amendments.

**Article 29:**

The Insurance and Pension Administration authenticates the three duplicates of the application forms and stamps them with its stamp indicating on them the number and date of registration in the record, it returns a copy to the employees division the beneficiary follows to be kept in his service file, another copy is sent to him to his address stated in the application form, while the third copy is kept at the Insurance and Pension Administration. The return of the application forms to the divisions or the applicant will be by registered mail.

**Article 30:**

The beneficiary may at any time amend his wish to appoint beneficiaries through filling out three new copies of the application form with the new information representing his new wish on that date. The concerned personnel division should mention the registration number of the old application form as in the copy kept in the service file.

The filling out of a new application form will nullify the previous application form. The same conditions and procedures stated in the chapter will be followed in the filling in and sending of the application form to the Insurance and Pension Administration, as well as in its registration and return.

**Article 31:**

The information mentioned in the application forms and records referred to in this chapter are confidential.

## CHAPTER TWO

The Procedures to be followed in case of death while in service or dismissal for a medical disability as a result of an accident during or as a result of work

### Article 32:

In case of the death of the beneficiary while in service or his/her dismissal for being medically unfit as a result of an accident during or as a result of work, the authority to which he/she is affiliated is responsible for sending an authorized report from the concerned Head of the Directorate with the decision of end of service explaining that the accident took place during or as a result of work. The report should mention the result of the district attorney's investigation in the accident and the report by the concerned medical committee.

## CHAPTER THREE

Preparing the necessary documents to pay pensions, bonuses, and insurance

### Article 33:

The employee divisions should authenticate all documents that should be included in the service file by giving them serial numbers, and registering their information and numbers on its cover according to the order of filing.

The service file should include the following documents:

- a) The appointment decision or what serves that purpose.
- b) Birth certificate or an official copy or any official document proving age, or the decision of the general medical office to prove age.
- c) Criminal record.
- d) Statement of Start of Work.
- e) Application form number (3).

To be filled in by the beneficiary stating his wish concerning the payment of the insurance sum in case of his death while in service authenticated by the Insurance and Pension Administration.

- f) The document proving that the name mentioned in the birth certificate is that of the beneficiary, and that

In case it was different from the name he/she is known by.

- g) The application form regarding calculating the service periods of the beneficiary provided it is complete and authenticated.
- h) The documents related to extend service that will affect the calculation of pension and this includes:
  - (a) The decisions that could have been made to the beneficiary to loan him outside the sector, or to approve academic, ordinary or extra ordinary leaves without pay indicating the date they begin and end and the application forms and notifications that show the extent of payment of memberships and installments for the periods indicated after return.
  - (b) The decision made by the concerned authority of the settlement made by the beneficiary or his/her service after the retirement age or re-appointment.
  - (c) The decisions made for the suspension of the beneficiary from work without pay, stating the period during which the beneficiary is deprived of his/her salary.
- i) The documents related to the extension of previous service periods and the memberships for them, this includes:
  - (a) The statement made by the beneficiary at the time of employment regarding his/her previous service periods.
  - (b) The requests made by the beneficiary to calculate the service periods approved by the law.
  - (c) The application forms regarding the calculation of previous service periods.
  - (d) The document proving the repayment of the value of the treasury share in the saved funds previously earned for previous service period, if existing.
  - (e) An authorized statement stating the previous service period in case of return to service and explaining if the beneficiary had received pension for that period, its value, and the date and authority of payment, provided it has a copy of the pension payment permits for that period attached.

Article 34:

The employees division should complete the following documents upon the end of the beneficiary's service and include them in the service file:

1. The decision to end service supported by the following documents depending on the reasons for dismissal:
  - (a) The decision of the general medical office in case of the beneficiary being unfit for service explaining whether the disability in complete or partial.
  - (b) An authenticated report from the concerned Head of Directorate in case the dismissal of the beneficiary was a result of an accident during or as a result of work, in which the outcomes of the general medical office and the district attorney's office investigation of the accident.



- (c) An authorized copy of the punitive ruling to dismiss the beneficiary while depriving him/her of part of the pension or bonus. In case of dismissal without a punitive ruling, this should be indicated in a separate statement.
- 2. A declaration of handing over responsibilities in cases other than death.
- 3. An authenticated list of salary levels in the last two years, and the decisions for promotions and raises that took place during that period even if they were not carried out.
- 4. A list of the detailed salary items for the last full month deserved, and the details of the part of the month during which the service of the beneficiary ended, detailing all sums deducted from the salary.
- 5. A statement of what may be payable by the beneficiary regarding sums that need to be deducted from the bonus or the pension supported by the following documents:
  - (a) An authenticated statement of the sums payable to the Insurance and Pension Administration, explaining the origin and type of the accrued sums, what has already been deducted and the remaining balance.
  - (b) A statement of the value of remaining parts of a loan that could have been granted according to the law.
  - (c) A statement of the sums that need to be deducted in favor of the authority where the employee works or any other governmental agency.
  - (d) Executive copies of provisions stating expenses and the requests for implementation in case of service termination without death. Executive copies of rulings of all sums paid by it should be authenticated, with a statement of the latest payment, and the value of the frozen payment due if existing.
- 6. The requests and documents for payment of insurance, pension, and bonus stated in this charter.

In case one of the mentioned decisions was related to more than one beneficiary, a copy of that decision should be placed in the file of each one, and in case of re-assigning a beneficiary his/her previous service file is added to his new service file.

#### Article 35:

Employees divisions in various authorities should inform the Insurance and Pension Administration during the month of October of every year of the names of the beneficiaries who reach retirement age within the following fiscal year and the date of reaching that age.

The mentioned divisions should begin reviewing the service files of those employees, completing the needed documents and information to permanently settle the pension before the end of the service period.

Article 36:

The decision for dismissal should be made in cases of retirement before the beneficiary reaching the legal age for leaving the service by at least thirty days. In cases of resignation, death, or medical disability, this decision should be issued within a maximum of three days from the date of accepting the resignation, or the date of notification of death or from the date of receipt of the general medical office decision or end of sick leaves, according to the case, provided that the decision of service termination in the case of dismissal due to punitive ruling should mention the ruling with respect of depriving the beneficiary of a part of the value of the pension or bonus within a maximum of a quarter, or reserving his/her right to it, also should end the termination of responsibility decision or determining the sums to be deducted from the bonus or pension, and that is for those whose service ends for a reason other than death within a maximum of two day from the date of end of service and informing the pensions division of it.

If any statement other than relieved of responsibility was mentioned without determining the value of the accruals or in the cases in which a relief of responsibility is not wanted, the Insurance and Pension Administration treats the beneficiary when paying his pension or bonus as if relieved of responsibility. The responsible person shoulders the value of the commitments that may be in the beneficiary's responsibility and that may be difficult to meet later.

Article 37:

The beneficiary, pensioner, or those entitled on his behalf, representatives, guardians, and those managing the affairs of minors should present the following documents to the employees departments or the Insurance and Pension Administration according to the situation to pay the sums of insurance, pension, or bonus.

It is noted that for similar documents needed to pay the sums of insurance and pension, one is enough to pay all accruals.

First: Documents needed to pay insurance sums:

- a) A request for payment by the beneficiary who service terminates as a result of a disability or those taking care of him/her indicating the place of residence.
- b) A request for payment by the beneficiaries of insurance sums in case of the death of the beneficiary indicating the place of residence provided the following documents are attached:
  - 1- A death certificate of a true copy.
  - 2- A legal notification of death, and if the deceased had not appointed certain beneficiaries, and in case the value of the insurance payable to the legal heirs does not exceed

fifty Pounds, and the allocation for every individual does not exceed fifteen Pounds, payment may be made on the base of an administrative certificate indicating the names of the heirs and their degree of relationship to the beneficiary and dates of birth, that instead of the legal notification – sample number (4).

- 3- An official copy of the decision issued to appoint the guardian or custodian, and that in case there were minors or those appointed custodians, while taking into consideration Article (45) of this charter.

Second: the documents necessary to pay pensions:

- (a) A request for payment by the beneficiary, or the representative or the custodian stating the place of residence and the authority from which the payment of pension is requested.
- (b) Requests for payment by those entitled on behalf of the beneficiary stating the place of residence and the authority from which the payment of pension is requested, provided it is administratively authenticated to prove the authenticity of the information included. The following documents should be attached:
  - 1- Official notification of death determining the heirs of an administrative certificate to indicate the family of the deceased.
  - 2- Birth certificates of children and siblings or official copies of them or any authorized document stamped with the seal of the administration from the institutions where the mentioned certificates are deposited to prove the name, date of birth, place of birth, and registration number, or a decision by the general medical office to prove age.
  - 3- A copy of the decision issued to appoint a guardian or custodian.
  - 4- A statement from the parents to show the income statement valued in cash and its source, and that is in case of their entitlement to the pension, supported by an administrative certificate proving that statement.
  - 5- A statement for inability to work for the husband, if applicable, as well as for male children and brothers who are over twenty one years old, with a statement of income for the husband and brothers, the source of that income and its value, if existing in a statement by the entitled and an administrative certificate to support it.
  - 6- A certificate from academic institutions proving the enrollment of the male children and brothers entitled to pensions who are over the age of twenty-one.
- (c) A daughter or sister who is divorced or widowed within a maximum of ten years from the date of marriage or the date of death of the beneficiary or pensioner, whichever is later, submits a request

To receive a new pension or to resume payments of the previous pension that was suspended upon her marriage, stating the place of residence, name of pensioner, date of his/her death, and the name of the authority where he worked prior to his death. The following documents should be attached to the request:

- 1- The death certificate of the husband or divorce document.
- 2- A statement by her with an administrative certificate of her income statement, excluding alimony.

Third: The documents necessary for payment of bonus (samples 4, 5, 6, 7, 8, 9) a request for payment by the beneficiary stating his/her place of residence.

#### **PART FOUR**

##### **Payment and Settlement of Pensions or Bonuses and Insurance Sums**

###### **Article 38:**

The employees divisions should send the service file of the beneficiary whose service ends, including the information and documents indicated in Article (33) of the Charter to the Insurance and Pension Administration, within a maximum of a week from the date the decision to terminate service was issued to begin immediately to settle the pension or bonus.

###### **Article 39:**

In the case of the end of the beneficiary's service for a reason other than death, medical disability, or reaching retirement age and his service period was less than three years, it is noted in the service file that he/she does not deserve any bonus, and his service file is sent to the Insurance and Pension Administration for revision and authentication for filing, indicating that in his/her file there, as well as the beneficiaries' record. The file is then returned to the employees division for filing.

###### **Article 40:**

The Insurance and Pension Administration, upon the receipt of the service file, should register it in records prepared for that purpose, in which the name of the pensioner, the date and reason for termination of service, dates of settling pension, bonus or insurance, and the date of sending checks to the concerned people are stated.

###### **Article 41:**

The Insurance and Pension Administration should immediately pay the insurance sums to the beneficiaries of the provisions of this Law or those entitled from them.

###### **Article 42:**

If the pension was not settled before the beginning of the month following the termination of the service of the beneficiary, the Insurance and Pension Administration should immediately pay a loan from the pension account, its monthly value estimated at a part of the pension that is not under any dispute, or half the salary

per month, whichever is less, till the final settlement is estimated.

**Article 43:**

The Insurance and Pension Administration should notify the person concerned of the value of the pension payable to him finally by registered mail, provided the notification includes the following information:

1. The name of the pensioner and the statement of the last position he/she held.
2. The name of entitled person on behalf of the beneficiary or the pensioner and his/her title.
3. The number of fixing pension and the beneficiary number.
4. The service period calculated in the pension.
5. The mean of salaries in the last two years.
6. The value of the payable pension.
7. Detailed statement of the deducted sums, stating the date of the last deduction and the net value payable.
8. The date of entitlement to a pension and the conditions for its continued payment.
9. The authority that will undertake the regular payment of the pension every month.

## CHAPTER FIVE

### General Provisions Followed In Payment of Accruals

#### Article 44:

Pensions payable to minors are paid to their mother without the need for a guardianship Decree, if the mother is not present, then to the legal guardian. In the absence of a mother or legal guardian, the pensions payable to minors are paid to the person handling their affairs, and an administrative certificate proves his/her title and degree of relationship to them.

The Insurance and Pension Administration should inform the religious court of the value of the pension, and the name, address, and degree of relationship to the minors of the person to whom the pension is paid. If the court ruled for the pension to be paid to someone else, the Administration should implement that as of the pension of the month following the court notification of the mentioned ruling.

#### Article 45:

The Insurance and Pension Administration should pay the insurance sums or any other accruals to the legal heirs based on an administrative certificate showing the names of the heirs, degree of relationship to the beneficiary, and their dates of birth, in the event the value of that insurance or accruals did not exceed fifty Pounds and the share of every member in it was not more than fifteen Pounds.

The administration should pay the shares of entitled minors, even if not among the legal heirs within the limits mentioned in the previous paragraph, to the individuals indicated in the previous Article and in accordance with the situations explained in it.

#### Article 46:

If the beneficiary was dismissed from service as a result of a medical disability and there was no official record proving his/her age, the employment divisions should take the procedure of determining his/her age through the general medical office prior to the issuance of the dismissal decision.

#### Article 47:

In the even the beneficiary or pensioner was in prison, the payment of the pension or bonus will be made to him/her or the person he/she designated by a statement authorized by the prison warden, in which the representation period is determined in case he/she deserved a pension.

Payment according to what was previously mentioned will continue unless a custodian was appointed to him/her, then the pension will be paid to the custodian as of the pension of the month following the date of presenting the custodianship decision to the administration.

#### Article 48:

In case the entitled pensioners leave the Strip, the

Insurance and Pension Administration should be informed of it, provided the notice includes the date set for travel, the destination, and period of stay. If he/she wanted the pension paid to another person inside the Strip during that period, he/she should include in the notification a power of attorney authenticated by the concerned court, or one authorized by the administrative body.

**Article 49:**

Employee division should, in case of a punitive ruling against the pensioner for acts committed prior to leaving service that deprived him of his right to a pension, notify the Insurance and Pension Administration of that immediately, provided the notification includes a copy of the ruling. In this case, the effects resulting from the ruling will not affect the pension except from the date of its issuance and within a quarter only.

**Article 50:**

A request for funeral expenses is submitted to anyone who presents proof of payment of those expenses, whether it was the widow or the pensioner, or an adult son, or any other person.

It is conditional that the request for payment be administratively authenticated as proof of the information mentioned in it.

**Article 51:**

Authenticated requests, certificates, and statements in this charter are considered documents necessary for the implementation of the provisions of this Law and do not need stamp fees.

**Article 52:**

If a pensioner or the entitled on his/her behalf gave, with ill intentions, incorrect information or abstained from providing information which resulted in the payment of monies without due right from the fund, the Insurance and Pension Administration should inform the public prosecutor's office of that with a request for a refund of those sums and their interest at (4.5%).

In all cases, the head of the administration may grant a period of time to repay those sums or divide them into installments in the event the concerned person provided sufficient guarantees. Not informing the administration of the information to suspend pension or the invalidity of a right to it is considered similar to providing wrong information.

**CHAPTER SIX**

**The System, Time, and Means of Pension Payment**

**Article 53:**

Payment of regular pensions by the Insurance and Pensions Administration will be through the following bodies:

- a) Bank branches designated by the administration and in this case the pensioners will not pay any expenses.
- b) Post offices upon the request of the pensioner or those entitled on his/her behalf, and in this case the transfer expenses payable to the post authority are deducted from the pension.
- c) Pensioners who reject item (a) may ask those banks to transfer their pensions to their current accounts in those banks, and that is according to an agreement between the pensioner and the bank. It is conditional in this case that the pension does not enter the current account except on the first day of every month. In the event of the death of the pensioner or entitled party, the pension for the following months are refunded to the administration to deal with it according to the applied laws so that the bank would not bear the responsibility of paying funds to those who are not entitled to them.

**Article 54:**

Payment of pensions will be as of the first day of the month, and the paying body may set times for pensioners and the entitled on their behalf to cash pensions during the first five days of every month.

The Chairman of the Board of Director, in agreement with the paying bodies, determines the period during which pensions remain payable through those bodies and the times pensions unclaimed within the designated period are refunded.

**Article 55:**

The Chairman of the Board may license the payment of pensions in times other than those designated according to the circumstances based on a proposal by the Insurance and Pensions Administration.

**Article 56:**

Pensions are paid according to lists prepared by the Insurance and Pension Administration with the names of pensioners and their net pensions.

**Article 57:**

Banks indicated in item (a) of Article (53) may accept the transfer of pensions to the place of temporary residence of pensioners according to the agreement reached between them and



the pensioners.

**Article 58:**

The Insurance and Pensions Administration sends checks to the payment bodies with the value of the pensions transferred to them, and they are payable as of the 20<sup>th</sup> day of the month for which pension is paid.

**Article 59:**

A pensioner may request the transfer of his/her pension to another body in case of a permanent change in residence outside the city and the administration should inform him/her of the transfer date provided it does not exceed that of the following month's pension.

**Article 60:**

Payment bodies should refund the pension to the Insurance and Pensions Administration in the following cases:

- a) If the pension was not cashed within the set periods.
- b) In case the paying body knew of the death of the pensioner or entitled person, and if his/her pension was deposited in his/her current account, pensions for months beginning the date of death should be refunded without waiting for a notification from the administration.
- c) Upon the request of the Insurance and Pension Administration for any reason.

**Article 61:**

Expenses deducted from pensions are paid after pensions are paid to its entitled parties or confirming that the pensioner is alive.

## **CHAPTER SEVEN**

### **Conditions for Continued Payment of Pensions**

#### **Article 62:**

All those cashing pensions should mention the number for setting pension, present in the notification of setting pension and the body from which the pension is to be paid, in all correspondence with the Insurance and Pension Administration. They should also notify the administration of every change in their place of residence.

#### **Article 63:**

If a non-fundamental difference in the name of the person cashing the pension in the identity card compared to that in the birth certificate or the one written in the payment lists occurred, he/she should present an administrative certificate to the administration proving that both names are for the same person. But if the difference was fundamental, those entitled should follow the general rules for changing names.

#### **Article 64:**

Pensioners or those entitled on their behalf may nominate others to represent them in cashing their pensions by an official or administrative power of attorney to be presented to the Insurance and Pension Administration, and in that case pensions will be paid in the name of the representative, as of the pension of the month following the date of submitting the power of attorney. Cancellation of the power of attorney will be upon the request of the pensioner, and this cancellation will affect the pension payable from the month following the date of receipt of request.

#### **Article 65:**

In case of appointing a guardian, person handling the affairs of minors, custodian, or a new representative, he/she should inform the Insurance and Pension Administration of that while sending the statement or new power of attorney. Payment will be made to newly concerned parties as of the month following the date the aforementioned documents were received.

Payment of minor pensions will continue till they reach legal age, it is then paid to them in person as of the pension of the month following their reaching legal age.

#### **Article 66:**

Male children or brothers who are students should, upon reaching the age of twenty-one, submit a request to the Insurance and Pension Administration to continue payment of pension. A certificate proving their enrollment as regular students at an academic institution that does not exceed university or higher education should accompany the request. This certificate should henceforth be submitted every year.

Article 67:

Those entitled to a pension as a result of disability should present themselves to the general medical office for repeated medical examinations at the times the Insurance and Pension Administration informs them of.

Article 68:

Pensioners and those entitled on their behalf, as well as guardians, custodians, representatives, and those managing the affairs of minors should submit an administratively authenticated statement to the Insurance and Pension Administration at the times it designates to the effect of their continued fulfillment of the pension entitlement conditions. Payment of pension will be suspended to those who fail to submit the statement at the set time. Payment will be resumed after presenting the statement if the pension entitlement conditions were still valid. The administration may allow time to present that certificate before suspending pension payments.

Article 69:

Pensioners or those entitled on their behalf, or representatives, guardians and custodians should inform the Insurance and Pension Administration of all matter that may suspend the payment of the pension or if they are not longer entitled to it in accordance with the provisions included in the Insurance and Pension Law, especially in the following cases:

- a) If the pensioner joins one of the bodies applying the conditions of this Law.
- b) If any of those entitled to the pension began working, while mentioning the date of appointment to his/her place of work and income.
- c) The marriage of entitled females, or widows, daughters, mothers, and sisters.
- d) Being entitled to more than one pension from the fund.
- e) Death.

Those should refrain from receiving pension as of the beginning of the month following the date of the aforementioned events, while taking into account the provisions of Article (22) of the Law.

Article 70:

Those entitled on behalf of the pensioner, whose pension was suspended in full or in part as a result of another income from work, should submit to the Insurance and Pension Administration a request for resuming pension payments to them in case that income ceased in full or in part, provided this request is accompanied by and administrative certificate to that effect.

The Insurance and Pension Administration should resume payment of the entitled pension to them as of

the month following leaving work or decrease in income.

**Article 71:**

The authorities applying the provisions of the law should inform the Insurance and Pension Administration of the names of the reappointed pensioners.

**Article 72:**

The authorities applying the provisions of the law, who hire one of those entitled to a pension should inform the Insurance and Pension Administration of the name of the person they decide to employ, date of joining work, value of his/her salary, wage, or reward, and the authority from which he/she cashes his pension.

**Article 73:**

Public employees concerned with concluding marriage contracts, and health offices, each in its specialty, should inform the Insurance and Pension Administration of marriages between pensioners or those entitled on their behalf. Notification in both cases should be done immediately; the notice should include the name of the pensioner, and the authority from which he/she cashed his/her pension.

**Article 74:**

All academic institutions should inform the Insurance and Pension Administration of the students entitled on behalf of pensioners who are over twenty-one years of age and who are being expelled during the academic year.

**CHAPTER EIGHT**

**Determining the Recipients of Donations**

**Article 75:**

In the event of the death of a pensioner, the Insurance and Pension Administration continues to pay the net monthly pension that was paid to him in his life without deducting the installments that may be payable by him: installment for previous period – substitution installment – loan installment – for the month in which the death took place and the two subsequent months at the times set for the payment of pensions.

Payment will be made to the widow, if present, if more than one it will be equally divided among them, in case of the presence of minor children or unmarried daughters from other than the widow, they would be entitled to what was their mother's if she had died or was divorced. The entitlement is paid to the legal guardian if present, if not it will be paid to the person in charge of their affairs taking into account the provisions of the second paragraph of Article (50) of the Law.

**PART FOUR****Return to Service****CHAPTER ONE****Regulations for Calculating Previous Service Period****Article 76:**

All beneficiaries who wish to add their previous period of service in accordance to the provisions of Article (38) of the law should submit a request for that effect, exempted from stamp tax, by registered mail to the authority that has his service file, within six months of the date of benefiting from the provisions of the law stating the period he/she wishes to add in his pension.

**Article 77:**

The authority to which the beneficiary is affiliated should calculate the sums payable by him in return for adding the previous period of service, through the various application ways approved by the law, before the end of the period stated in the previous Article.

**Article 78:**

If a beneficiary was re-employed and he/she had a service period less than three years, during which he/she paid memberships due the Insurance and Pension Fund, and he/she had not received a bonus for, that period would be added to the pension without any payable sums, other than the sums he/she owed the fund during that period, as he/she would have settle them in that case according to the provisions of Article (38) of the Law.

It should be taken into account in that case to record the information and documents of that period in the service file.

**Article 79:**

Those entitled on behalf of the beneficiary or a pensioner may request the addition of that person's previous service periods that the law allowed them to calculate into the pension if he passed away before the end of the period specified for making that wish, or before payment. They should settle the sums payable in return for adding those periods as one payment by a banking check to the account of the Insurance and Pension Administration within the set time, they are also allowed in that case to ask the administration to pay them their accruals, as if those periods were added, after deducting the sums they should pay.

## CHAPTER TWO

### Calculating Previous Periods

#### Article 80:

Employees divisions where service file are kept should do the following:

- a) Record the received requests for membership for previous periods in a special register.
- b) Fill in an application to add previous service period in two copies for those expressing that desire, the information should be completed from the records or service files.
- c) Estimate the sums due according to the provisions of Article (38) of the Law.

#### Article 81:

The authority with which the beneficiary who wishes to settle the sums due in one installment is affiliated gives him a letter, original and a copy, addressed to the bank chosen by the Insurance and Pension Administration with which he/she would deposit the one installment sum into the account of the Insurance and Pension Administration in return for a receipt in two copies from the bank, he/she keeps a copy and hands the other to the authority where he/she works.

The authority should take the following procedures:

- a) Explain the one installment sum that was deposited in the bank, the number and date of deposit slip in the two copies of the application form for adding previous service periods.
- b) Attach a copy of the deposit slip to one of the two copies of the mentioned application and keep it in the service file, and send the other copy of the application to the Insurance and Pension Administration to keep in the beneficiary file at its end.
- c) Record the settlement information in the service application.

#### Article 82:

In case the beneficiary wanted to settle the amounts due in installments, the monthly installment due on the second month after the end of the trial period is recorded, and the authority should take the following procedures:

- a) Pay installments monthly to the Insurance and Pension Administration according to the regulations mentioned in Chapter One of Part Two.
- b) Record the value of the monthly installment, the date of beginning and end of deduction in the service application as well as the insurance and service records

**PART FIVE**

**Substituting Pensions**

**Article 83:**

The pensioner upon the end of his/her service may request to substitute his money for a part of the pension he/she is entitled to, provided the substitution portion does not exceed a quarter of the pension, and under the condition that the remaining sum after substitution is not less than six Pounds, taking into account the provisions stated in Articles (45, 46, 47, 48) of the law.

The request for substitution should state the sum for substitution and the duration – ten years, twenty years, or for life – the request is submitted to the Insurance and Pension Administration via registered mail.

The entitlement of a pensioner to substitution ends if he/she did not submit his/her request within two years of the date of end of service.

Substitution may not be done more than once.

**Article 84:**

The applicant for substitution is referred to the general medical office for medical examination, the general medical office shall notify the applicant for substitution of the date of the medical examination by registered mail, if he/she failed to be appear for the examination, his/her request shall be filed.

Yet, the Chairman of the Board of Directors of the Fund may set another appointment for a medical examination upon a request submitted within two months from the date of the no-show examination.

**Article 85:**

The general medical office finally determines the requester's state of health, and his/her request is not accepted unless his/her health was good or average, and in the latter case, the medical office will add a number of years to the age of the person submitting the request according to his/her medical condition. This age, after addition, is used as the base to determine the capital of the substituted pension, without violation of the provisions concerning the approximation of age mentioned in the substitution Table attached to the law. If the general medical office ruled to the ill health of the requester, his request would be rejected and may not be renewed.

**Article 86:**

When estimating the part of pension that may be substituted, the installment for settling sums payable for the previous service period is excluded, whether the installments were till the age of



sixty or by substitution table. The substitution in this case is not allowed except within the limits of a quarter of the remaining pension, and provided that the remaining sum after substitution is not less than six pounds.

Article 87:

The capital of the substituted pension is calculated based on the Table attached to the law and according to the age of the person requesting the substitution at the time of the medical examination, taking into account Article (85).

Article 88:

The Director of the Insurance and Pension Administration authenticates the payment of the substituted sum within the aforementioned limits.

Article 89:

The person requesting substitution is informed of the value of the capital deserved for the substituted part of the pension to announce his/her acceptance of the estimated substituted capital.

Article 90:

Acceptance of the estimation of the substituted capital is done through one of the following ways:

1. Signing to accept the estimation at the headquarters of the Insurance and Pension Administration after confirming the identity.
2. A statement accepting the estimation, provided that that statement is authenticated by two of the beneficiaries from the provisions of this Law whose salaries are not less than thirty Pounds and their immediate supervisor, and that it is stamped by the authority seal.
3. Submitting a statement accepting the estimation authenticated by authorities concerned with authentications within or outside the Strip as per case.

Article 91:

If, in accordance with the provisions of the previous Article, a statement accepting the estimation was not received from the person lodging the request within a month from the date he/she was notified of the value of the capital by registered mail, he/she will be considered to have waived his/her request.

Yet, the Chairman of the Board of Directors of the Fund may, for justifiable reasons, approve the requester's acceptance of the estimation after the deadline in the previous paragraph, within the three months following that deadline.

Article 92:

The substitution sum is paid to the applicant by a check sent to the address stated in the substitution request, after deducting the value of the substitution installment due on the remaining period of the month in which the substitution took place and the following month.

Article 93:

The Insurance and Pension Administration, upon payment of the substitution capital, should record it in a special register for substitution, and should note to deduct the installment as of the beginning of the second month from the date the substitution capital was accepted till the end of the settlement period if the substitution was for ten years, or twenty years, or till death if it was for life.

**Article 94:**

**All documents related to the substitution process will be kept in the beneficiary's special file kept at the Insurance and Pension Administration.**

## CHAPTER SIX

Provisions related to loan periods, academic leaves without pay,

Assignment periods, and regular and irregular leaves without pay;

### Article 95:

The name of the person on loan will remain listed during the on loan period in the salary records at the authority with which he/she is originally affiliated whether the on loan was internal or external.

Employees on loan internally or externally, whose original places of work pay their salaries, will be treated as the rest of the beneficiaries with respect to the regulations and procedures of payment of memberships, and special installments payable to the Insurance and Pension Fund.

### Article 96:

The employees divisions should prepare a list of the employees on loan or on assignments, and those on academic, ordinary or extra ordinary leaves without pay according to the attached sample number (11), where all their details will be listed.

The authorities concerned with the management of the affairs of personnel on loan to provide that information to the aforementioned divisions.

### Article 97:

In case of on loan outside the Strip, the employees divisions at various authorities should inform the authority in which the beneficiary is on loan of the detailed salary items including the memberships and installments that should be deducted to the account of the Insurance and Pension Fund, and the value of the share paid by the authority he/she is affiliated with.

The aforementioned administrations should inform the mentioned authorities of all amendments to those installments.

### Article 98:

Memberships and installments payable to the Insurance and Pension Administration are settled monthly during the period of being internally on loan at authorities not benefiting from the Insurance and Pension Law through the original place of work of the person on loan, within the memberships and installments mentioned in application form 91) insurance and pensions.

The original authorities in that case should pay the memberships and installments

of those on loan to the administration on time from the secure account under collection from the authorities to which they are on loan, and supervising the commitment of that authority to pay those memberships and installments, as well as the share it is responsible for to settle the secure account.

Employees on loan to authorities benefiting from the Insurance and Pension Law are treated like the remaining beneficiaries with respect to the regulations and procedures of paying memberships and special installments.

**Article 99:**

Payments of memberships due on those on loan abroad are postponed till the end of the on loan period.

**Article 100:**

The employees division should prepare application form number (11) insurance and pensions -- a sample is attached -- in an original and a copy for every beneficiary returning to their work at the end of the foreign on loan period, upon his/her return stating the value of the memberships and installments payable for the aforementioned period.

**Article 101:**

The beneficiary stated in the previous Article should express his/her wish to pay membership fees for the mentioned period on the application form in the previous Article as follows:

- a) Payment of insurance and pensions memberships will be for the current period due on the loan period in one installment within a year at the end of that period, or the beneficiary will no longer be entitled to claim that period in his/her service.
- b) Payment of frozen installments for previous period that may be payable as a result of not being paid during the on loan period is made either in one installment within the year mentioned in the previous item, or in monthly installments estimated according to the provisions of Article (60) of the Law. If he/she wished to settle those memberships and installments in one pay, the employees division should estimate the requested sum including the interest due at (4.5%) as of the date of the end of the on loan period till the date of payment determined by the person concerned and give him/her a letter addressed to the nearest bank branch with which he/she deposits the determined sum before the end of the settlement period into the account of the Insurance and Pension Administration.

**Article 102:**

If the person concerned wanted to pay the frozen installments for the previous period, the employees division at the authority should estimate the installment payable and send the

Insurance and Pension Administration a copy of the account application, keeping the other copy of the application form in the service file after recording the value of the payable installment and the date of beginning deductions in the salary records, and noting the necessary indication in the service application form, taking into consideration to follow the same installment method previously chosen, had he/she previously paid any sum in installments.

Article 103:

The provisions stated in this chapter apply to the assignment periods, and academic leaves without pay, the period of scholarship following appointment date, in addition to ordinary and extra ordinary leaves without pay as well as the periods during which the beneficiary is taking a (sabbatical).

**PART SEVEN**

**Interim Provisions**

**Liquidating the insurance and savings fund, and calculating previous service periods**

**For those present in the service**

**Article 104:**

The Insurance and Pension Administration should estimate the sums paid by all the beneficiaries in service on 07/01/1964 to the savings fund established by Decree Number 311 for 1954 whether on their service after 08/01/1954 or before that date and the complex interests on those sums at (2.5%) till 06/30/1964. The result of the estimation is registered in the savings membership records kept at the Insurance and Pension Administration.

**Article 105:**

The aforementioned department should prepare lists of the sums mentioned in the previous item and their interest rate, stating the name of the employee and his/her number in the savings fund, in an original and a copy, provided that the original is sent to the employees division and the copy is kept at the Insurance and Pension Administration.

The department should finish those procedures before 09/01/1964

**Article 106:**

The sums mentioned in the previous Article and their interest is deducted from the sums payable by every beneficiary in accordance to provisions of Article (5) of the Decision of Law in the event of wanting to pay membership for his previous service period according to its provisions.

If the beneficiary did not want to participate for his previous service period, then the sums he paid to the mentioned fund and their interest will be put in a special account at the Insurance and Pension Fund, that would be payable to him/her at the end of his service to those entitled to the insurance sum in the case of his death, calculated with a complex interest of (3%) annually from 07/01/1964 till the date they're payable.

**Article 107:**

The Insurance and Pension Administration should calculate the balance of the insurance fund established by Decree Number 311 for 1954, as well the remaining balances of the savings fund after deducting the sums paid by the employee and their interest mentioned in Article (104). The total balances mentioned in the previous paragraph will be deducted from the sums payable by

the public treasury according to Article (7) of the decision of law.

Article 108:

The employees division at the General Administration should fill in application number (12), sample attached, for every beneficiary in the service on 07/01/1964 who was dealt with according to the savings system established by Decree Number 311 for 1954, in which the sums payable in return for membership for previous service period, calculated according to the provisions of Article (5) of the decision of law, are calculated after the deduction of the sums he/she paid to the savings fund and their interest mentioned in Article (104).

This application form is made of three copies, and is presented to the employee to express his desire for membership for previous service period or not. Then a copy is sent to the Insurance and Pension Administration, a copy to the salary division at the working place of the employee, and the employees division retains the third copy to keep in the service file.

Article 109:

The Insurance and Pension Administration should keep the copy it receives of application (12) insurance and pensions in the beneficiary's file.

The salary division at the employee's working place should note to deduct the installment due for the previous period to those who expressed their desire for it as of the salary of the month of January 1965, payable on the first of February 1965.

Article 110:

For those who wish to pay the sums due in one installment, the procedures stated in Article (81) are followed.

**PART EIGHT**

**Final Provisions**

**Article 111:**

If an employee was investigated for violations attributed to him in the implementation of the provisions of the law, the executive charter, or the executive decisions, the concerned administrative authority should provide the administration with the investigation documents and its result upon reaching the decision.

The head of the department presents to the Chairman of the Board of Directors within a month from the date of receiving those documents the cases in which he suggests objecting to the decision reached to request transfer to the penal court in accordance with Article (62) of the law.

**Article 112:**

The Chairman of the Board of Directors of the Fund may extend the times stated in Article (8) of this charter in the conditions when it will be impossible to commit to those times due to the nature of work in some places.



**EXECUTIVE COUNCIL DECISION**

**NUMBER (15) FOR 1964\***

The Executive Council:

After reviewing the constitutional system of Gaza Strip issued on 5 March 1962,

And the Decision of Law Number 8 for 1964 to issue the Insurance and Pension Law to the employees workers and laborers of the Public Administration, and

The executive charter of the stated Insurance and Pensions Law, and based on the decision of the Board of Director of Insurance and Pensions at the session held on 10/06/1964.

**It was decided**

**Article 1:**

The expression (casual worker) will be given to the following categories:

- a) Workers currently appointed in the service or those who will be appointed on Part Three of the budget or on additional allocations.
- b) Workers currently appointed in the service or those who will be appointed on Part Two of the budget for a period less than a year, and those for whom an appointment decision was issued or will be issued by the concerned Head of Directorate.

**Article 2:**

As an exception from paragraph (b) of the previous Article, the worker currently appointed to the service on Part Two will benefit from the provisions of the Insurance and Pension Law if the Head of the Directorate to which the worker is affiliated decided that his work is permanent, it is conditional that he/she remains in service for more than a year.

**Article 3:**

The workers currently appointed to the service on Part Two of the budget and whose service period is more than a year but less than three years will benefit from the provisions of the Insurance and Pension Law unless the head of the directorate to which the worker is affiliated decided that their work is not permanent, and in that case they would be considered casual workers and do not benefit from the provisions of the mentioned law.

**Article 4:**

This decision will be put into effect as of the date of its publication in the Official Gazette.

Issued in Gaza on 10/15/1964

General

Youssef Abdullah Al Agroudi

Governor General and President of the Executive Council

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\* Published in Palestinian Gazette number 253, page 2 dated 15 November 1964.

**EXECUTIVE COUNCIL DECISION**

**NUMBER (2) OF 1966\***

The Executive Council;

Having reviewed the constitutional system of Gaza Strip issued on 5 March 1962;

And Law Number 8 of 1964 and its amendments regarding the Insurance and Pension Law, and Decision Number 1 of 1966 to issue the municipality workers and laborers law;

Pursuant to the presentation made by the Director of Finance and the Economy, and the Director of Legal Affairs.

**It was decided**

**Article 1:**

All permanent Employees, Workers and Laborers in both the municipalities of Gaza and Khan Yunis will be added to the categories benefiting from the provisions of Law Number 8 for 1964 and its amendments.

**Article 2:**

The provisions of this Law are put into effect as of 03/01/1966.

**Article 3:**

All retirement regulations applicable in the two mentioned municipalities and all that contradicts with the provisions of this decision will be abolished and published in the Official Gazette.

Issued in Gaza on 02/24/1966

General

Youssef Abdullah Al Agroudi

Governor General and President of the Executive Council

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\* Published in Palestinian Gazette number 282, page 2.

**EXECUTIVE COUNCIL DECISION**

**NUMBER (I) FOR 1967\***

**The Executive Council:**

After reviewing the constitutional system of Gaza Strip issued on 5 March 1962, and Article One of the Insurance and Pension Law Number 8 for 1964 and based on the presentation by the Director of finance and economy.

**It was decided**

**Article 1:**

All permanent Employees, Workers and Laborers at the Higher Council for Youth and Sports Education will be added to the categories benefiting from the provisions of the Insurance and Pension Law.

**Article 2:**

The provisions of this Law are put into effect as of 06/19/1966.

**Article 3:**

All that contradicts with the provisions of this decision will be abolished and published in the Official Gazette.

Issued in Gaza on 01/16/1967.

Brigadier

Abdul Mon'em Hassan Hosni

Governor General and President of the Executive Council

---

\* Published in Palestinian Gazette Number 303, page 3.

**LAW DECISION NUMBER (1) FOR 1967\*****The Executive Council:**

After reviewing Article 28 of the constitutional system of Gaza Strip issued on 5 March 1962, and the Insurance and Pension Law Number 8 for 1964 and its amendments, the executive council Decision Number 2 for 1966, and based on the presentation by the Director of finance and economy.

**It was decided****Article 1:**

Without violation of the provisions of Article Five of Decision of Law Number 8 for 1964, the beneficiaries from the Insurance and Pension Law among the Employees, Workers and Laborers of the Municipalities of Gaza, Khan Yunis, the Administration of Islamic Waqf, the Insurance and Pension Administration, and the municipality schools present in service will have their continuous previous service periods spent at the authorities currently implementing the provisions of the Insurance and Pension Law that were not previously calculated, calculated according to the provisions of the mentioned Article five as of 05/16/1948, or from the date of the last appointment till the date of benefiting from the provisions of the mentioned law, provided that the beneficiary had not received any bonuses on that period in accordance with the previously applied retirement regulations at their places of work. If a bonus was received it should be refunded in addition to an interest rate of 4.5% from the date of receipt till the date of payment for those periods to be added.

**Article 2:**

The provisions Article five of Decision of Law Number 8 for 1964 regarding how to refund the bonus mentioned in the previous Article and paying memberships on mentioned periods will be put into effect on the beneficiaries who fall under the provisions of this Law, provided that a period of six months from the date of implementing that decision to express desire for membership on previous service periods. Installments for previous periods for those wanting membership will be deducted as of the salary payable for the month following the end of the period set for voicing interest.

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\* Published in Palestinian Gazette number 305, page 3.

**Article 3:**

The public treasury and independent budgets to which the beneficiaries included in this decision belong will pay to the account of every beneficiary for his/her previous service period added in the pension according to this decisions sums estimated at 5/8 of the estimated sums according to Table Number (4) attached to Law Number 8/1964 on the bases of age and salary at the beginning of the month prior to benefiting from the mentioned law. The provisions of the second paragraph of Article Seven of Decision of Law Number 8 for 1964 on how to pay those sums form the public treasury and mentioned independent budgets.

**Article 4:**

This Decision of Law will be put into effect as of the date of its publication in the Official Gazette.

Issued in Gaza on 02/07/1967.

**Brigadier**

**Abdul Mon'em Hassan Hosni**

**Governor General and President of the Executive Council**

**\* LAW NUMBER (7) OF THE YEAR 1995**  
**Composition of Board of Directors for Insurance and Pension Fund**

Chairman of the Palestinian Liberation Organization Executive Committee  
President of the Palestinian National Authority

After examining:

The President of the Palestinian National Authority's decision issued on 05/20/1994 regarding the continued application of rules, regulations and orders which were valid before 5/06/1967 in the Palestinian lands "the West Bank and Gaza Strip" till unified.

The Insurance and Pension Law for the employees and workers of the Public Administration, Municipal and Rural Councils, and Department of Islamic Waqf, which was issued in decision no. eight for the year 1964 and its amendments, particularly Article (3).

Responding to the requirements of the public interest, the following law has been enacted:

**Article (1)**

The Insurance and Pension Fund, which has been stated in the Decision of Law (8) of the year 1964, shall have a Board of Directors that will include:

- 1- Minister of Justice,
- 2- Minister of Finance,
- 3- Minister of Local Government,
- 4- Director General of the Insurance and Pensions Affairs,
- 5- Director General of the Employees Department, and
- 6- Representative of the Retired Employees Association.

The Board of Directors will hold meetings upon the invitation of its Chairman and any meeting cannot be considered legal until at least four of its members attend it. The decisions will be issued by majority of the attendants, and when the votes are equal, the side on which the chair is shall win.

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\* Issued in the Palestinian Gazette Group fifth edition – June 1995.

**Article (2)**

Article (3) of the mentioned Law (8) for 1964 shall be cancelled and any rule that contravenes this Law.

**Article (3)**

All the concerned parties, each in its specialization, shall implement this Law, which shall be valid from the date of its publication in the formal Gazette.

Issued in Gaza on 05/14/1995.

**Yasser Arafat**

**Chairman of the Palestinian Liberation Organization Executive Committee**  
**President of the Palestinian National Authority**



**\* LAW NUMBER (4) FOR 1996**  
**Amendment of Some Provisions of the Insurance and Pension Law**

Chairman of the Palestinian Liberation Organization Executive Committee  
President of the Palestinian National Authority

**After examining:**

Law Number (5) for 1995, regarding the transfer of authorities and mandates, Insurance and Pension Law for the employees of the Public Administration, local and municipal councils, and the Islam Waqfs Department issued by Decision of Law Number (8) for 1964 and its amendments. The decision of the Executive Committee Number (3) for 1963, concerning the rules and stipulations of granting payments due to the high cost of living, and The decisions taken by the Board of Directors of the Insurance and Pension Fund on June 3<sup>rd</sup>, July 1<sup>st</sup>, and October 25<sup>th</sup> of 1995.

For the requirements of the public interest  
and after the approval of the Authority Council,  
the following law was issued:

**Article (1)**

The retired employee shall benefit from the rules of granting payments due to the high cost of living, as stated in Article (2), paragraph (A), (B), and (C) of the decision made by the Executive Council Number (3) for 1963 and is referred to since 06/01/1995.

**Article (2)**

The employees who terminate their services shall receive an end of service remuneration that equals 15% of their annual salary for each service year exceeding the maximum number for pension.

**Article (3)**

The provisions of Article (2) of this Law will apply on the employees who terminated their services before this Law was put into effect.

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\* Published in the Palestinian Gazette Group fifteenth edition – November 1996.

**Article (4)**

There will be established at the Governor General's Administration an Insurance and Pension Fund for the beneficiaries according to the Provisions of this law. The Insurance and Pension Administration will be in charge of managing it and it will be known as the Insurance and Pension Fund. It will have a legal entity and a special budget attached to the State budget and will be represented by the Chairman of the Board of the Fund with regard to its relations with others. The decisions of the Board of Directors of the Fund are considered in effect and must be implemented from dates decided by the Board of Directors.

**Article (5)**

1. Article (16) of Law Number (8) for 1964, the fore-mentioned, shall be amended to be as follows:  
The pensions shall be settled with a tune of one part of forty parts from the latest salary received, as mentioned in Article (15), covering all the counted years of work in the pension.
2. This amendment will be in effect for all those who deserve pensions.

**Article (6)**

Article (52) of Law Number (8) for (1964), the fore-mentioned, shall be amended to be as follows:  
In case of the death of any worker while in service, the party in charge shall pay the expenses of his funeral, estimated at the salary received for one month, with a minimum of two hundred and fifty (250) New Shekels. The Fund shall not take any responsibility for these expenses.  
The Fund shall ensure that the funeral expenses are being paid back. Those expenses are estimated at the salary received for one month, with a minimum of two hundred and fifty (250) New Shekels.  
Those expenses are paid immediately to the one who proves paying for them, where the widow or a senior person of the deceased person, or any person who submits official documents that prove he paid the funeral costs.

**Article (7)**

Any rule contravening this Law shall be annulled.

**Article (8)**

All the concerned parties, each in his specialization, shall implement this Law and make it valid starting from its publication date in the Official Gazette.

Issued in Gaza City on 01/01/1996.  
10/Shab'an/1416 A.H

**Yasser Arafat**  
**Chairman of the Palestinian Liberation Organization Executive Committee**  
**President of the Palestinian National Authority**

## INDEX

Subject	Page
Introduction by the General Manager of the Insurance and Pension General Corporation.....	1
Introduction by the Legal Advisor to the Insurance and Pensions General Corporation.....	2
Decision of Law Number 8 for 64 to issue the Insurance and Pension law.....	3
 Part One:	
Determining Beneficiaries of Provisions of the Law, Establishment and Management of the Fund.....	9
 Part Two:	
Accounts and Financial Status.....	11
 Part Three:	
Funds Resources.....	12
 Part Four:	
Insurance and Pensions System.....	13
Chapter One: Entitlement to Insurance Funds.....	13
Chapter Two: Entitlement to pensions and bonuses and means of settlement.....	14
Chapter Three: Eligible and not Eligible to a pension.....	20
Chapter Four: End of entitlement to pension or bonus.....	23
Chapter Five: Return to Service.....	24
Chapter Six: Special Provisions.....	26
 Part Five:	
Substituting pension.....	27
 Part Six:	
Payment of loans with bonus, insurance, or pension as collateral.....	28

Subject	Page
Part Seven:	
Payment of contribution and funeral expenses in case of death.....	30
Part Eight:	
General Provisions.....	31
Part Nine:	
Pensions of members of the Executive Council.....	37
Table Number 1: Percentage of insurance money.....	38
Table Number 2:	
Percentage of decreasing pension to those resigning before reaching the age of fifty-eight.....	39
Table Number 3: Percentages accrued in the pension.....	40
Table Number 4:	
Determining the sums payable for previous service periods included in the pension.....	42
Table Number 5:	
Determining the monthly pension for every 100 Pounds of the capital the beneficiary has to pay according to the provisions of Article 28.....	44
Table Number 6:	
The substitution sum in Shekel equivalent to a substituted pension of one Shekel a month.....	46
Table Number 7:	
Determining monthly installments deducted from the salary or wages in case the beneficiary elects to pay due sum in installments according to the provisions of Article (60).....	49
Decision of the Governor General Number 22 for 1964 to issue the Executive Charter of Law number 8 for 1964 to issue the Insurance and Pension Law.....	50
Executive charter for the Insurance and Pension Law	
Part One:	
General provisions.....	51
Part Two:	
Payment of memberships and special installments, collecting them, and refund of what was received without due right.....	54

Subject	Page
Chapter One: Payment and collection of memberships and installments .....	54
Chapter Two: Refund of memberships and sums received without right .....	58
Chapter Three: Payment of loans with salary and bonus, or insurance, or pension as collateral .....	59
Part Three:	
Insurance and pensions system .....	62
Chapter One: Naming the beneficiaries of the insurance .....	62
Chapter Two: The procedures to be followed in the case of death while in service or dismissal due to a medical disability incurred as a result of an accident during or as a result of work .....	64
Chapter Three: Preparing necessary documents to pay pensions, bonuses and insurance .....	64
Chapter Four: Payment and settlement of pensions, or bonuses and insurance .....	69
Chapter Five: General provisions followed in payment of accruals .....	71
Chapter Six: The system, time, and method of paying pensions .....	73
Chapter Seven: Conditions for continued payment of pensions .....	75
Chapter Eight: Naming those to whom donations are given .....	78
Part Four:	
Return to service .....	79
Chapter One: The rules for calculating previous service periods .....	79
Chapter Two: The procedures for calculating previous service periods .....	80
Part Five:	
Substitution of pensions .....	81
Part Six:	
Provisions related to on loan, and academic leaves without pay periods .....	84

Subject	Page
Part Seven:	
Interim Provisions .....	87
Part Eight:	
Final Provisions .....	89
Executive council Decision Number 15 for 1946 .....	90
Executive council Decision Number 2 for 1966 .....	92
Executive council Decision Number 1 for 1967 .....	93
Decision of Law Number 1 for 1967 .....	94
Law Number 7 for 1995 .....	96
Law Number 4 for 1996 .....	98
Index .....	101

السلطة الوطنية الفلسطينية  
الهيئة العامة للتأمين والمعاشات



قانون التأمين والمعاشات

الصادر بالقرار بقانون رقم ٨ لسنة ١٩٦٤

وفقاً لآخر التعديلات

مايو ١٩٩٩



## ﴿ تقديم ﴾

### مدير عام الهيئة العامة للتأمين والمعاشات

في هذه المرحلة من حياة شعبنا الفلسطيني والتي يتم فيها بناء مؤسسات دولتنا الفلسطينية على أساس العدل والمساواة وتطبيق القانون ، وفي إطار توحيد التشريعات والنظم السارية في السلطة الوطنية الفلسطينية وسريانها على كافة أبناء الشعب الفلسطيني فإنه بالإضافة لجميع موظفي قطاع غزة فقد انتفع بقانون التأمين والمعاشات عدد من موظفي السلطة الوطنية الفلسطينية في الضفة الغربية يبلغ اليوم حوالي أربعة آلاف موظف منتفع ، هذا وإن الرغبة في الانتفاع بهذا القانون تزداد لدى جمهور الموظفين في المحافظات الشمالية ( في الضفة الغربية ) يوماً بعد يوم نظراً لأهميته وكونه قانوناً فلسطينياً يعتبر من أرقى قوانين الضمان الاجتماعي فهو يحقق آمال الموظفين المنتفعين به ويضمن لهم حياة كريمة ويؤمن حياتهم وحياة أسرهم وورثتهم من بعدهم لما يتضمنه من مزايا لا تتضمنها قوانين التقاعد في العديد من الدول فهو يجمع في مضمونه بين نظامي المعاش والادخار .

ولكي يتمكن كل موظف وعامل ومهتم بموضوع التأمين والمعاشات من الإطلاع والاستفادة وليعرف كل من يسري عليه قانون التأمين والمعاشات حقوقه والتزاماته فقد قررت الهيئة العامة للتأمين والمعاشات طباعة قانون التأمين والمعاشات الصادر بالقرار بقانون رقم ٨ لسنة ١٩٦٤ ، وهو قانون فلسطيني نرى أنه يجب توثيقه والسعي إلى تطويره والمحافظة عليه بالتطبيق السليم وإجراء التعديلات اللازمة عليه بعد دراسة علمية وقانونية ، وبناءً على إحصائيات ودراسات تقوم بها الهيئة العامة للتأمين والمعاشات بما يضمن الاستمرارية لهذه المؤسسة الوطنية .

وإنني إذ أقدم لهذه الطبعة من القانون لأرجو الله أن تعم الفائدة المرجوة منها بإزدياد الوعي والمعرفة .

وفقنا الله جميعاً لبناء دولتنا الفلسطينية وعاصمتها القدس الشريف تحت قيادة قائد الأمة فخامة الرئيس أبو عمار حفظه الله ،،،

مايو ١٩٩٩

فاروق ممتاز الإفنجي

مدير عام الهيئة العامة للتأمين والمعاشات

## ﴿ مقدمة ﴾

### المستشار القانوني للهيئة العامة للتأمين والمعاشات

إن قانون التأمين والمعاشات قانون ضمان اجتماعي يضمن للمتقاعين به استقراراً مادياً ونفسياً بتوفيره حياة كريمة لهم ولأسرهم وورثتهم من بعدهم بما يتضمنه من مزايا وحقوق الأمر الذي ينعكس على المجتمع بصورة عامة ، ومن منطلق أن الهيئة العامة للتأمين والمعاشات هي الجهة التي تعمل على تنفيذه وحتى يستطيع الموظفون المنتفعون به معرفة حقوقهم والتزاماتهم والمزايا التي ضمنها لهم فقد قررت الهيئة العامة للتأمين والمعاشات إعادة طباعة قانون التأمين والمعاشات وتم تكميلي بإعداد هذه الطبعة من قانون التأمين والمعاشات الصادر بالقرار بقانون رقم ٨ لسنة ١٩٦٤ .

وللمحافظة على القانون كونه قانوناً فلسطينياً وإبراز التغييرات والتعديلات والإضافات التي تمت عليه فقد تمت طباعة القانون الأصلي كما هو وكما نشر في الوقائع الفلسطينية في العدد الغير اعتيادي المؤرخ في ١٨/٧/١٩٦٤ هو ولائحته التنفيذية الصادرة بقرار الحاكم العام رقم ٢٢ لسنة ١٩٦٤ ، وفيما يتعلق بالتعديلات والإضافات التي تمت على القانون فقد تم وضع إشارة في موضع التعديل أو الإضافة ووضع في هامش الصفحة نص المادة وفقاً لآخر تعديل وكما ينبغي أن تقرأ .

كما تمت إضافة بعض القرارات والقوانين التي رأينا ضرورة إلحاقها بالقانون ولائحته التنفيذية .

وإنني آمل أن تتحقق من طريقة الإعداد والتجميع هذه الأهداف والفوائد المرجوة من إعادة طباعة هذا القانون .

ولنعمل معاً في سبيل رفعة هذا الوطن تحت قيادة فخامة الرئيس أبو عمار رئيس دولة فلسطين حفظه الله .

مايو ١٩٩٩

جمال كامل البورنو

المستشار القانوني للهيئة العامة للتأمين والمعاشات

## قرار بقانون رقم (٨) لسنة ١٩٦٤

بإصدار قانون التأمين والمعاشات لموظفي ومستخدمي وعمال الإدارة العامة  
والمجالس البلدية والقروية ودائرة الأوقاف الإسلامية  
بقطاع غزة \*

### المجلس التنفيذي :

بعد الإطلاع على المادة (٢٨) من النظام الدستوري لقطاع غزة الصادر في ١٩٦٢/٣/٥  
وعلى الأمر رقم ٢١١ لسنة ١٩٥٤ بشأن إنشاء صندوق للتأمين وآخر للإدخال لجميع الموظفين  
في الإدارة العامة .  
وعلى الأنظمة والنوائح المتعلقة بشئون التوظيف للعاملين بالقطاع :

## قرر

- مادة ١- يعمل فيما يتعلق بنظام التأمين والمعاشات للموظفين والمستخدمين والعمال  
المدنيين بالإدارة العامة والمجالس البلدية والقروية ودائرة الأوقاف الإسلامية  
بقطاع غزة بأحكام القانون المرافق .
- مادة ٢- في تطبيق أحكام هذا القانون والقانون المرافق يقصد :
- ١- بالخزانة العامة : خزانة الإدارة العامة للقطاع .
  - ٢- بمجلس الإدارة : مجلس إدارة صندوق التأمين والمعاشات .
  - ٣- بالدائرة : دائرة صندوق التأمين والمعاشات .
  - ٤- بالمتنفعين : الموظفون والمستخدمون والعمال المنصوص عليهم في المادة (١)  
من القانون المرافق .

\* نشر في الوقائع الفلسطينية ( عدد غير اعتيادي ) بتاريخ ١٨ يوليو ١٩٦٤

\* ٥- بالمرتب : المرتب أو الأجر الأساسي مضافاً إليه إعانة غلاء المعيشة دون الإعانة المستحقة عن الأولاد ، ويعتبر في حكمه المرتب أو الأجر المقطوع ، ويحسب المرتب الشهري لعمال اليومية بواقع أجر ٢٦ يوماً ويقصد بالمرتب السنوي في حساب مبلغ التأمين والمكافأة المرتب الشهري محسوباً وفقاً لما تقدم مضروباً في إثني عشر .

ماد

٦- بالفائدة : الفائدة المركبة .

مادة ٣-

تنتقل حقوق والتزامات صندوق التأمين والإدخار لموظفي الإدارة العامة المنشأين بالأمر رقم ٣١١ لسنة ١٩٥٤ المشار إليه إلى صندوق التأمين والمعاشات المنشأ بمقتضى القانون المرافق ، وذلك دون إخلال بأحكام المادة (٤) .

مادة ٤-

تستنزى المبالغ التي أداها الموظفون والمستخدمون والعمال في صندوق الادخار المشار إليه وفوائدها حتى تاريخ العمل بهذا القانون من المبالغ المستحقة عليهم نظير اشتراكهم عن مدة خدمتهم السابقة وفقاً لحكم المادة (٥) ومن لا يرغب في الاشتراك عن مدة خدمته السابقة منهم فيفرد للمبالغ التي أداها إلى الصندوق المذكور وفوائدها حساب خاص في صندوق التأمين والمعاشات وتستحق إليه عند إنتهاء خدمته أو إلى من يصرف اليهم مبلغ التأمين في حالة وفاته محسوباً عليها فائدة مركبة بواقع ٣% سنوياً من تاريخ العمل بهذا القانون حتى تاريخ استحقاقها .

\* حسب الأمر ٧٨/٥٩٣ يفسر إصطلاح المرتب : ( "المرتب" : الأجر المنسق ، مكافأة الدراسة ، علاوة المهنية الموحدة وعلاوة العائلة ، التي تدفع للمستخدم عن شهر عمل كامل ، حسبما يحددها المسئول عن الجهاز الحكومي من حين لآخر ؛ " الأجر المنسق " المرتب باستثناء مكافأة الدراسة العلاوة المهنية الموحدة وعلاوة الزوجة حسبما يحددها المسئول عن الجهاز الحكومي من حين لآخر ؛ " المسئول عن الجهاز الحكومي " - حسب تعريفه في الأمر الأصلي "مكافأة الدراسة " العلاوة الخاصة التي تدفع للمستخدم ؛ " العلاوة المهنية الموحدة " - العلاوة التي تدفع لبعض المستخدمين " علاوة الزوجة " - العلاوة التي تدفع عن زوجة واحدة ؛

\* المكسب الإجمالي " - الأجر المنسق ومكافأة الدراسة وعلاوة للزوجة . )

\* ملاحظة : الأمر الأصلي هو الأمر ٧٥/٥١٥ وتعريف المسئول عن الجهاز الحكومي هو : المسئول عن الجهاز الحكومي -- من يعين مسئولاً لأغراض الأمر بشأن تعيين واستخدام المستخدمين في الجهاز الحكومي ( قطاع غزة ) ( رقم ٥٢ ) لسنة ١٩٦٧-٥٧٢٢ .

ويستتزل رصيد صندوق التأمين وباقي أرصدة صندوق الادخار المشار اليها من المبالغ المستحقة على الخزنة العامة نظير حساب مدة الخدمة السابقة للمنتفعين وفقا لحكم المادة (٧) .

تحسب للمنتفعين الموجودين في الخدمة في تاريخ بدء العمل بهذا القانون الذين كانوا خاضعين لنظام صندوق التأمين والادخار المنشأين بالأمر رقم ٣١١ لسنة ١٩٥٤ المشار إليه مدد خدمتهم السابقة التي حسبت لهم قسي نظام الادخار اعتبارا من ١٩٤٨/٥/١٦ بشرط ألا يكون المنتفع قد تقاضى عنها حصة الخزنة في الأموال المدخرة . فإذا كان قد تقاضاها وجب لحساب تلك المدة رد ما تقاضاه محسوبا عليه فائدة قدرها (٤,٥ %) من تاريخ الحصول عليها حتى تاريخ الأداء . ويجوز لهؤلاء المنتفعين الاشتراك عن مدد خدمتهم المشار اليها وتقدر هذه الاشتراكات بواقع ربع المبالغ المقدرة طبقا للجدول رقم ٤ المرافق وعلى أساس المرتب والسن في أول شهر يونية سنة ١٩٦٤ .

وتؤدى المبالغ المشار اليها في الفقرتين السابقتين إما دفعة واحدة خلال ستة أشهر من تاريخ العمل بهذا القانون أو على أقساط شهرية حتى يبلوغ سن الستين وفقا لحكم الفقرة الثانية من المادة (٦٠) من القانون المرافق .

كما يجوز لمن تبلغ مدة خدمته المحسوبة في المعاش عشر سنوات على الأقل ولا يقل سنه عن خمسين سنة تسيط المبالغ المستحقة عليه بطريق جدول الاستبدال وفقا لحكم الفقرة الثالثة من المادة (٦٠) من القانون المرافق ويبدأ في اقتطاع الأقساط المستحقة اعتبارا من المرتب المستحق عن شهر يناير سنة ١٩٦٥ . وتعتبر مدة الخدمة محسوبة في المعاش متى بدأ في الاقتطاع .

وإذا انتهت خدمة المنتفع دون أداء الأقساط المستحقة كاملة اقتطعت الأقساط الباقية من معاشه ، أما إذا استحق مكافأة وكان قد اختار السداد على أقساط حتى يبلوغ سن الستين . فتخصص الأقساط الباقية من مكافأته . وفي هذه الحالة يعتبر مشتركا عن مدة خدمته السابقة أو ترد إليه المبالغ التي أداها بفائدة ( ٣ %) حتى تاريخ ترك الخدمة مع اعتباره غير مشترك عن تلك المدة .

يشية

مقطوع

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مادة ٥ -

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سادة

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\* ما

إما إذا كان قد اختار السداد على أقساط بطريق جدول الاستبدال وانتهت خدمته دون أن يستحق معاشاً ، فترد إليه الأقساط التي أداها. بالفائدة المذكورة مع إلغاء كافة الآثار المترتبة على أدائه لها \* .

\*\* مادة ٦ - استثناء من حكم المادتين (١٦ ، ٢٣) من القانون المرافق تدخل مدة الخدمة المحسوبة في المعاش طبقاً لحكم المادة السابقة في تسوية المعاش أو المكافأة بواقع نصف النسب المنصوص عليها في المادتين المذكورتين إذا أدى المنتفع عنها الاشتراكات المنصوص عليها في الفقرة الثانية من المادة السابقة . فإذا لم يؤد المنتفع الاشتراكات المطلوبة دخلت تلك المدة في حساب المعاش أو المكافأة بواقع ربع النسب المنصوص عليها في المادتين المذكورتين .

مادة

\*\*\* مادة ٧ - تؤدي الخزينة العامة لحساب كل منتفع عن مدة خدمته السابقة المحسوبة فسي المعاش طبقاً لحكم المادة (٥) مبالغ تقدر بواقع ربع المبالغ المقررة طبقاً للجدول رقم ٤ المرافق على أساس سنه ومرتبته في أول يونية عام ١٩٦٤ وتؤدي هذه المبالغ إلى الصندوق إما دفعة واحدة خلال سنة من تاريخ العمل بهذا القانون أو بموجب صكوك على الخزينة العامة يحدد المجلس التنفيذي آجال استحقاقها وفائدتها بواقع (٤,٥%) من تاريخ انتهاء تلك الفترة حتى تاريخ الاستحقاق .

ماد

\* أنظر أحكام إضافية في القرار بقانون رقم ١٩ لسنة ١٩٦٧  
\*\* تعديلات بالقانون رقم ٦٥/٩ وكذلك بالقانون رقم ٦٦/١٦ لتصبح :  
( مادة ٦ - استثناء من حكم المادتين (١٦ ، ٢٣) من القانون المرافق تدخل مدة الخدمة المحسوبة في المعاش طبقاً لحكم المادة السابقة بواقع ٨/٧ النسب المنصوص عليها في المادتين المذكورتين إذا أدى المنتفع عنها الاشتراكات المنصوص عليها في الفقرة الثانية من المادة السابقة . فإذا لم يؤد المنتفع الاشتراكات المطلوبة دخلت تلك المدة في حساب المعاش أو المكافأة بواقع ٨/٥ النسب المنصوص عليها في المادتين المذكورتين )  
- بدء سريان التعديل الأخير ١٩٦٦/٦/٢٧ .

\*

\*\*\* تعديلات بالقانون رقم ٦٥/٩ وبالقانون رقم ٦٦/١٦ لتصبح ( مادة ٧ - تؤدي للخزينة العامة لحساب كل منتفع عن مدة خدمته السابقة المحسوبة في المعاش طبقاً لحكم المادة ٥ مبالغ تقدر بواقع ٨/٥ المبالغ المقررة طبقاً للجدول رقم ٤ المرافق على أساس سنه ومرتبته في أول الشهر السابق لتاريخ انتفاعه بأحكام هذا القانون . وتؤدي هذه المبالغ إلى الصندوق إما دفعة واحدة خلال سنة من تاريخ العمل بهذا القانون أو بموجب صكوك على الخزينة العامة يحدد المجلس التنفيذي آجال استحقاقها وفائدتها بواقع ٤,٥% من تاريخ انتهاء تلك الفترة حتى تاريخ الاستحقاق )  
- بدء سريان التعديل الأخير ١٩٦٦/٦/٢٧ وأحكام إضافية انظر المادة ٣ من القرار بقانون رقم ١ لسنة ١٩٦٧ .

يخضع موظفو ومستخدمو وعمال المجالس البلدية والقروية ودائرة الأوقاف الإسلامية الموجودون في الخدمة من تاريخ العمل بهذا القانون لأحكام القانون المرافق إلا إذا أبدوا رغبتهم كتابة في عدم الخضوع له ، وذلك خلال ثلاثة أشهر من تاريخ تطبيقه . ولا يجوز لهم العدول عن هذه الرغبة بعد إبدائها .

وفي هذه الحالة يرد اليهم ما يكون قد خصم منهم من اشتراكات ، كما تسترد المجالس أو دائرة الأوقاف ما تكون قد أدته من مبالغ لحسابهم في الصندوق .

على دوائر المستخدمين بالجهات التي تطبق أحكام القانون المرافق استيفاء المستند الرسمي المثبت لسن المنتفع ، فإذا لم يوجد مثل هذا المستند ، فيحال إلى القومسيون الطبي العام لتحديد سنه وذلك خلال ثلاثة أشهر من تاريخ العمل بهذا القانون وإلا تعرض المسؤولون بدوائر المستخدمين للمحاكمة التأديبية وفقاً لحكم المادة (٦٢) من القانون المرافق . ويعتبر قرار القومسيون الطبي في هذا الشأن نهائياً حتى ولو ظهرت بعد ذلك شهادة الميلاد أو أي مستند رسمي آخر . ولا يستحق مبلغ التأمين المنصوص عليه في المادة (١٠) من القانون المرافق إذا لم يقدم المستند الرسمي بإثبات السن أو لم يكن قد تم تقدير سن المنتفع بمعرفة القومسيون الطبي العام وفقاً لحكم الفقرة السابقة .

إستثناء من حكم الفقرة الأولى من المادة (١٢) من القانون المرافق يستمر الموظفون والمستخدمون والعمال الموجودون في الخدمة من تاريخ العمل بهذا القانون لمدة أقصاها سنة أو حتى يبلوغ سن الستين أيهما الحق مع عدم الإخلال بحكم الفقرتين الثانية والثالثة من المادة المذكورة .

\* المادة ٨ أوقف تنفيذها بالقرار بقانون رقم ١٢ لسنة ١٩٦٤ - إيقاف تنفيذ المادة الغي بالقانون رقم ١١ لسنة ١٩٦٥ .

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مادة ١١- يلغى الأمر رقم ٣١١ لسنة ١٩٥٤ المشار اليه والنشريات المعدلة له وكل ما

يتعارض مع أحكام هذا القانون .

مادة ١٢- ينشر هذا القانون في الجريدة الرسمية ، ويعمل به اعتبارا من أول يولييه سنة

١٩٦٤ .

وتصدر اللائحة التنفيذية للقانون المرافق بقرار من الحاكم العام بعد اعتمادها

من المجلس التنفيذي .

صدر في غزة ٣٠ يولية ١٩٦٤

فريق أول

يوسف عبد الله العجرودي

الحاكم العام لقطاع غزة ورئيس المجلس التنفيذي

التأد  
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## قانون التأمين والمعاشات لموظفي ومستخدمو وعمال الإدارة العامة والمجالس البلدية والقروية ودائرة الأوقاف الإسلامية

### الباب الأول

في تحديد المنتفعين بأحكام القانون وإنشاء الصندوق وكيفية إدارته

\* مادة ١ - ينتفع بأحكام هذا القانون الفئات الآتية :

(أ) موظفو ومستخدمو وعمال الإدارة المدنيين وضباط وصف وأفراد الشرطة  
المربوطة مرتباتهم ضمن الباب الأول فسي ميزانية الإدارة ، وكذا موظفو  
ومستخدمو وعمال دائرة صندوق التأمين والمعاشات .

(ب) موظفو ومستخدمو وعمال الإدارة الذين تصرف مرتباتهم ضمن أي باب من  
أبواب الميزانية أو الإعانات .

(ج) موظفو ومستخدمو وعمال المجالس البلدية والقروية .

(د) موظفو ومستخدمو وعمال دائرة الأوقاف الإسلامية ولا ينتفع بأحكام هذا القانون  
العمال الذين يقومون بأعمال عرضية .

وللمجلس التنفيذي بعد أخذ رأي مجلس إدارة صندوق التأمين والمعاشات أن  
يقرر ضم فئات أخرى إلى المنتفعين بأحكام هذا القانون .

\* \* مادة ٢ - ينشأ بإدارة الحاكم العام صندوق التأمين والمعاشات لفئات المنتفعين بأحكام هذا

القانون ويعهد بإدارته إلى دائرة التأمين والادخار وتسمى دائرة صندوق  
التأمين والمعاشات ، ولها الشخصية الاعتبارية وميزانية خاصة تلحق  
الميزانية العامة للدولة ويمثلها رئيس مجلس إدارة الصندوق

\* انظر قرارات المجلس التنفيذي رقم ١٥ لسنة ١٩٦٤ و رقم ٢ لسنة ١٩٦٦ و رقم ١ لسنة ١٩٦٧ .  
\* \* تعدلت بموجب المادة ٤ من القانون رقم ٤ لسنة ١٩٩٦ لتصبح ( مادة ٢ - ينشأ بإدارة الحاكم العام صندوق  
التأمين والمعاشات لفئات المنتفعين بأحكام هذا القانون ويعهد بإدارته إلى دائرة التأمين والادخار وتسمى دائرة صندوق  
التأمين والمعاشات ولها الشخصية الاعتبارية وميزانية خاصة تلحق بالميزانية العامة للدولة ويمثلها رئيس مجلس إدارة  
الصندوق في صلاحها بالغير وتعتبر قرارات مجلس إدارة الصندوق سارية المفعول ولجنة التنفيذ من التواريخ التي  
يحددها مجلس الإدارة . )  
- " بدء سريان التعديل ١/١/١٩٩٦ " .

في صلاحيتها بالغير . ولا تعتبر قرارات مجلس الإدارة نافذة إلا بعد اعتمادها من المجلس التنفيذي .

\* مادة ٣- ينشأ لصندوق التأمين والمعاشات المنصوص عليه في المادة السابقة مجلس إدارة يشكل على الوجه التالي :

رئيسا	مدير المالية والاقتصاد
	مدير الشؤون القانونية
أعضاء	مدير الشؤون المدنية
	مدير دائرة صندوق التأمين والمعاشات

وينعقد المجلس بدعوة من رئيسه ولا يكون إنعقاده صحيحا إلا إذا حضر الاجتماع ثلاثة أعضاء على الأقل وتصدر القرارات بأغلبية الحاضرين وعند التساوي يرجح الجانب الذي منه الرئيس .

مادة ٤- يختص مجلس الإدارة بما يأتي :

- ١- وضع خطة استثمار أموال الصندوق وتوزيع الاستثمارات على القطاعات المختلفة.
- ٢- وضع النظم الكفيلة بقيام الدائرة بالأعمال التي تؤديها وتحقيق الأغراض المرجوة منها .
- ٣- إعداد مشروع الميزانية السنوية للدائرة .

\* نص القانون رقم ٧ لسنة ١٩٩٥ على ما يلي ( مادة ١ - ينشأ لصندوق التأمين والمعاشات المنصوص عليه في القرار بقانون رقم (٨) لسنة ١٩٦٤ المشار إليه مجلس إدارة يشكل على الوجه التالي :

- ١- وزير العدل
- ٢- وزير المالية
- ٣- وزير الحكم المحلي
- ٤- مدير عام شؤون التأمين والمعاشات
- ٥- مدير عام ديوان الموظفين
- ٦- ممثل عن جمعية الموظفين المتقاعدين

وينعقد المجلس بدعوة من رئيسه ، ولا يكون انعقاده صحيحا إلا إذا حضر الاجتماع أربعة أعضاء على الأقل وتصدر القرارات بأغلبية الحاضرين وعند التساوي يرجح الجانب الذي منه الرئيس .

مادة ٢ - تلغى المادة (٣) من القرار بقانون رقم (٨) لسنة ١٩٦٤ المشار إليه ، وأي حكم يخالف أحكام هذا القانون .

- ٤- اعتماد الحسابات الختامية قبل رفعها إلى الجهات المختصة .  
 ٥- إصدار اللوائح الداخلية للدائرة .  
 ٦- اقتراح مشروعات القوانين الخاصة بالتأمين والمعاشات .  
 ٧- اختبار الخبراء وتحديد مكافآتهم دون التقيد بالقواعد الموضوعة لموظفي الإدارة العامة .  
 ٨- وضع القواعد الخاصة بمنح المكافأة لموظفي الدائرة وغيرهم نظير ما يقومون به من أعمال للدائرة .  
 ٩- النظر في التقارير التي تقدم إلى المجلس عن الحالة المالية للصندوق أو عن أي شئ آخر يتعلق بعمل الدائرة .

ها من

جلس

حضر

وعند

## الباب الثاني في الحسابات والمركز المالي

- مادة ٥- تخضع الدائرة في إدارة أموال الصندوق والتصرف فيها وحساباتها للقواعد التي تجرى عليها الإدارة العامة .  
 مادة ٦- يقدم مدير الدائرة إلى مجلس الإدارة خلال الأشهر الثلاثة التالية لانتهاج السنة المالية ما يأتي :  
 (أ) الميزانية الختامية للصندوق معدة وفقا للقواعد المتبعة في المشروعات التجارية مشفوعة ببيانات تفصيلية عن مفردات الأصول والخصوم .  
 (ب) حساب عام للإيرادات والمصروفات .  
 (ج) تقرير عام عن أعمال الصندوق وحالته والنواحي الاستثمارية لاحتياطياته .  
 ويقدم رئيس مجلس الإدارة إلى المجلس التنفيذي الحسابات الختامية خلال شهر من تاريخ اعتمادها .  
 مادة ٧- يفحص المركز المالي للصندوق مرة على الأقل كل خمس سنوات تبدأ من تاريخ العمل بهذا القانون ، وذلك بمعرفة خبير فني يختاره مجلس الإدارة ويجب أن يتناول هذا الفحص تقرير قيمة الالتزامات القائمة فإذا تبين وجود عجز في أموال الصندوق ولم تكف الاحتياطيات المختلفة لتسويته فلتلزم الخزنة العامة بأدائه .  
 أما إذا تبين من التقرير وجود مال زائد فيرحل إلى حساب خاص ، ولا يجوز التصرف فيه إلا بموافقة مجلس الإدارة في الأغراض الآتية :-

قة.

سراض

يه في

صدر

(٠٠

- (أ) تكوين احتياطي عام واحتياطيات خاصة للأغراض المختلفة .  
(ب) تسوية أو خفض أي دين للصندوق على الخزائنة العامة في حدود العجز السابق أدائه طبقا للفقرة السابقة .  
ويجب في حالة وجود عجز أن يوضح الخبير أسبابه والوسائل المقترحة لتلافيه.

### الباب الثالث في موارد الصندوق

- \* مادة ٨ - تتكون أموال الصندوق من الموارد الآتية :-  
أولاً: الاشتراكات التي تقطع شهريا بمقدار (١٠%) من مرتبات المنتفعين بأحكام هذا القانون .  
ثانياً: المبالغ التي تؤديها الجهات التي تلتزم بمرتبات المنتفعين بواقع (١٢,٥%) منها .  
ثالثاً: حصيلة استثمار أموال الصندوق .  
رابعاً: الموارد الأخرى الناتجة عن نشاط الدائرة .  
مادة ٩ - إذا خفض المرتب لأي سبب فيكون الاقتطاع على أساس المرتب المخفض ولا تؤدي أية اشتراكات عن المدد التي يستحق عنها مرتب .

- \* تعدلت بالأمور رقم ٧٨/٥٩٢ لتصبح (مادة ٨ - تتكون أموال الصندوق من الموارد الآتية :  
١ - بدلات الاشتراك التي تخصم شهريا بمقدار ١٠% من المكسب الإجمالي للمنتفعين وفقا لأحكام هذا القانون ؛  
٢ - المبالغ التي تدفعها الهيئات التي تتحمل دفع المكسب الإجمالي للمنتفعين بمقدار ١٢,٥% منها :  
ثالثاً: حصيلة استثمار أموال الصندوق .  
رابعاً: الموارد الأخرى الناتجة عن نشاط الدائرة .  
- " بدء سريان التعديل ١٠/٣١/١٩٧٨ ."

## الباب الرابع في نظام التأمين والمعاشات

### الفصل الأول استحقاق مبالغ التأمين

السابق

لتأليفه.

\* مادة ١٠ - تستحق مبالغ التأمين التي يؤديها الصندوق إلى المنتفعين بأحكام هذا القانون أو المستحقين عنهم في الحالتين الآتيتين :

أولاً: وفاة المنتفع وهو في الخدمة قبل بلوغ سن الستين ، وفي هذه الحالة يؤدي مبلغ التأمين إلى الورثة الشرعيين إلا إذا كان المنتفع قد عين مستفيدين آخرين قبل وفاته فيؤدي مبلغ التأمين إليهم .

أحكام

بواقف

ثانياً: فصل المنتفع من الخدمة قبل بلوغه سن الستين بسبب عدم اللياقة الصحية للخدمة إذا نشأت عن عجز تام عن العمل . ويشترط لاستحقاق مبلغ التأمين في هذه الحالة أن يكون الفصل قد بنى على قرار من القومسيون الطبي العام سابق على صدور قرار الفصل .

ض ولا

ولا يستحق مبلغ التأمين إذا لم يقدم المستند الرسمي بإثبات سن المنتفع أو لم يكن قد تم تقدير سنه بمعرفة القومسيون الطبي العام .

\* تعديلت بالأمر رقم ٧٩/٥٩٦ (مادة ١٠ - تستحق مبالغ التأمين التي يؤديها الصندوق إلى المنتفعين بأحكام هذا القانون أو المستحقين عنهم في الحالتين الآتيتين :

رن ؛

أولاً- وفاة المنتفع وهو في الخدمة قبل بلوغ سن الستين وفي هذه الحالة يؤدي مبلغ التأمين إلى الورثة الشرعيين إلا إذا كان المنتفع قد عين مستفيدين آخرين قبل وفاته فيؤدي مبلغ التأمين إليهم .

ثانياً - (أ) فصل المنتفع من الخدمة قبل بلوغه من الستين بسبب عدم اللياقة الصحية للخدمة إذا نشأت عن عجز تام عن العمل . ويشترط لاستحقاق مبلغ التأمين في هذه الحالة أن يكون الفصل قد بنى على قرار من القومسيون الطبي العام سابق على صدور قرار الفصل .

(ب) لأغراض الفقرة (أ)، يعتبر أيضاً عجزاً تاماً عن العمل العجز عن أداء المهمة في العمل طيلة فترة متركمة خلال مدة مخيلة وفقاً لما يرد في التعليمات التي يصدرها المينول حسب مدلوله في الأمر بشأن تعيين واستخدام المستخدمين في الجهاز الحكومي (قطاع غزة وشمالى سيناء) (رقم ٥٣) لسنة ١٩٦٧-٥٧٢٧ على أن يصدر قرار بذلك من القومسيون الطبي العام كما ذكر في هذه المبادئ . ولا يستحق مبلغ التأمين إذا لم يقدم المستند الرسمي بإثبات سن المنتفع أو لم يكن قد تم تقدير سنه بمعرفة القومسيون الطبي العام .

بدء سريان التعديل ١٩٧٨/١/٢٣ .

مادة ١١ - يكون مبلغ التأمين الذي يؤديه الصندوق طبقاً للمادة السابقة معادلاً لنسبة من المرتب السنوي تبعاً للسن ، وذلك وفقاً للجدول رقم (١) المرفق . وفي تحديد السن تعتبر كسور السنة - سنة كاملة .

## الفصل الثاني

### في استحقاق المعاشات والمكافآت وكيفية تسويتها

مادة ١٢ - تنتهي خدمة المنتفعين بأحكام هذا القانون في سن الستين .

ويجوز بقرار من الحاكم العام إبقاء المنتفع في الخدمة أو إعادة تعيينه بعد بلوغ سن التقاعد على أن يحدد في هذا القرار مدة إبقاء المنتفع في الخدمة . كما يجوز للحاكم العام تفويض من يراه في مد خدمة العمال والمستخدمين أو إعادة تعيينهم بعد بلوغ سن التقاعد .

مادة ١٣ - مدة الخدمة التي يجوز حسابها في المعاش هي المدة التي قضيت في خدمة القطاع وكان منتفعاً خلالها بهذا القانون بالجهات التي تطبق أحكامه سواء بصفة موظف أو مستخدم أو عامل بعد استبعاد مدد الوقف عن العمل بغير مرتب ، وكذا مدد السجن بالنسبة لرجال الشرطة . وفي حساب مدد الخدمة عند تسوية المعاش أو المكافأة تعتبر كسور الشهور شهراً كاملاً .

\* مادة ١٤ - يستحق المنتفع معاشاً عند انتهاء خدمته متى بلغت مدة خدمته المصنوية في المعاش عشرون سنة على الأقل .

\* تعدلت بالأمر رقم ٨٣/٧٩٦ تصميم :- (المادة ١٤ - (أ) يستحق المنتفع معاشاً عند انتهاء خدمته متى بلغت خدمته المصنوية في المعاش عشرين سنة على الأقل . (ب) على الرغم مما ورد في الفقرة (أ) يستحق المنتفع معاشاً بعد خدمة خمس عشرة سنة على الأقل إذا كان انتهاء الخدمة لأحد الأسباب التالية :

- ١- بلوغ سن التقاعد .
- ٢- الفصل بقرار من المسئول .
- ٣- إلغاء الوظيفة أو الوفاة .
- (ج) لا تسري الفقرة (ب) على المنتفع إذا فصله المسئول من الخدمة بسبب تخييه عن العمل مدة تزيد على خمسة عشر يوماً
- (د) يكون المنتفع المذكور في الفقرة (ج) من حيث حقوقه في حكم المنتفع المستقيل من عمله .
- (هـ) في هذه المادة : " للمسئول " - حسب مدلوله في الأمر بشأن تعيين واستخدام المستخدمين في الجواز الحكومي ( قطاع غزة وشمال سيناء ) ( رقم ٥٢ لسنة ١٩٦٧ - ١٩٦٧ ) .
- بدء سريان التحصيل ١٥/٢/١٩٨٢ .

من  
تديد

ومع ذلك يستحق المعاش إذا بلغت مدة الخدمة خمسة عشر سنة على الأقل إذا  
كان انتهاء الخدمة لأحد الأسباب الآتية :

- (١) بلوغ سن التقاعد .
- (٢) الفصل بقرار من الحاكم العام .
- (٣) إلغاء الوظيفة أو الوفر .

\* مادة ١٥ - يسوى المعاش على أساس المتوسط الشهري للمرتبات المستحقة للمنتفع خلال  
السنتين الأخيرتين من مدة خدمته المحسوبة في المعاش وفقاً لأحكام هذا  
القانون . وفي حساب هاتين السنتين يعتبر الشهر الذي انتهت فيه الخدمة شهراً  
كاملاً .

بلوغ

فإذا اشتملت فترة السنتين على مدد لم يحصل المنتفع على مرتبه عنها كله أو  
بعضه حسب المتوسط على أساس كامل المرتب أو الأجر .  
ويستخرج متوسط الأجر بالنسبة لعمال اليومية على أساس مجموع الأجور التي  
يستحقها العامل خلال فترة السنتين بحسب فئة الأجر وباعتبار أن الشهر سنة  
وعشرون يوماً ويقسم المجموع على أربعة وعشرون شهراً .

بين أو

خدمة  
بصفة  
ب ،

\* استبدلت بالأمر رقم ٧٥/٥١٥ لتصبح ( مادة ١٥ - (أ) يسوى المعاش على أساس المرتب الأخير الذي دفع  
للمنتفع خلال مدة خدمته المحسوبة في المعاش وفقاً لأحكام هذا القانون بمراعاة التخفيضات التي تطرأ من حين لآخر على  
مرتبات المستخدمين ذوي نفس الدرجة والأقدمية في الجهاز الحكومي في المنطقة .  
(ب) إذا كان سلم مرتبات مستخدمي الجهاز الحكومي في المنطقة يختلف في أى وقت من الأوقات عن سلم المرتبات  
الذي كان قائماً حين اعتزل المنتفع خدمته فيسوى الراتب الأخير حسب سلم المرتبات الساري في أول الشهر الذي  
يقع فيه ذلك الوقت ، بالتسويات التي تقرها إدارة الصندوق بتوصية من المسؤول عن الجهاز الحكومي .  
(ج) إذا وقع خلال شهر معين حادث من شأنه أن يؤدي إلى زيادة أو تخفيض معاش المنتفع أو إلى التوقف عن دفعه  
موقتاً أو إلى إلغاء التوقف عن دفعه فلا يؤخذ ذلك الحادث في الاعتبار لغرض بلع المعاش عن ذلك الشهر )  
ملاحظة : ( يمكن الاعتراض على القرار الصادر بموجب المادة ١٥ ب من القانون أمام لجنة الاعتراض \* انظر  
المادة ٨ من الأمر رقم ٧٥/٥١٥ )  
- بدء سريان التعديل ١٩٧٤/٢/١ .

سهر

لبي

نت

تجاه

سي

\* مادة ١٦ - تسوى المعاشات بواقع جزء من خمسين جزءاً من متوسط المرتبات المحسوبة وفقاً لأحكام المادة السابقة ، وذلك عن كل سنة من سنوات الخدمة المحسوبة في المعاش \*  
 \*\* مادة ١٧ - تدخل مدة الإعارة والأجازات الدراسية بغير مرتب ، وكذا مدد التجنيد والتكليف والأجازات الاعتيادية والاستثنائية بدون مرتب التي تلي تاريخ التعيين في المدد المحسوبة في المعاش . وتؤدى عن هذه المدد فيما عدا مدة التجنيد الاشتراكات الموضحة في المادة ( ٨ ) .

\* تعدلت بالأمر رقم ٧٥/٥١٥ ثم تعدلت بموجب المادة "٥" من القانون رقم ٤ لسنة ١٩٩٦ لتعقيم :-  
 (مادة ١٦ - تسوى المعاشات بواقع جزء من أربعين جزءاً من مبلغ المرتب الأخير كما ذكر في المادة " ١٥ " وذلك عن كل سنة من سنوات الخدمة المحسوبة في المعاش . )  
 - " يسري هذا التحديل على جميع مستحقي المعاش ."  
 \* \* بموجب الأمر رقم ٧٥/٥١٥ أضيفت مادة جديدة تحمل رقم ١١٦ - تنص على ما يلي :-  
 ( ١١٦ - تنفع بالإضافة إلى المعاش أنواع الدفوعات التالية :  
 (١) علاوة عائلة تنفع للمنتفع أو لأقربائه طالما كانوا يستحقون المعاش .  
 (٢) علاوة شخصية مقدارها ١٢٥ ليرة شهرياً \* أو بمقدار آخر يحدده قائد المنطقة من حين لآخر بإعلان يشترطه وهي تنفع للمنتفع طيلة أيام حياته وطالما كان يستحق المعاش . )  
 x ملاحظة : تم زيادة مقدار فعلاوة الشخصية عدة مرات وحسب آخر تعديل أصبح مقدارها ٢٠٠ شكيل بموجب قرار فخامة السيد الرئيس . اعتباراً من ١٩٩٥/١١/١ .  
 \* \* \* تعدلت بالأمر رقم ٨٤/٨٤٠ لتعقيم ( مادة ١٧ - تدخل مدة الإعارة والأجازات في المدد المحسوبة في المعاش بمراعاة ما ورد في المادتين ٥٤ و ٥٤ على أن تنفع الاشتراكات المذكورة في المادة ٨ عن تلك المدد )  
 - " بدء سريان التحديل ١٩٨٤/١/١٠ " .



\* مادة ١٨ - مع عدم الإخلال بحكم المادة (٢٠) يستحق المعاش في حالة الفصل بسبب عدم اللياقة الصحية أو الوفاة مهما كانت مدة الخدمة - ويربط المعاش بحد أدنى قدرة (٤٠%) من متوسط المرتبات المشار إليها في المادة (١٥) أو على أساس مدة خدمة المنتفع المحسوبة في المعاش مضافا إليها ثلاث سنوات أى المعاشين أكبر بشرط ألا تزيد المدة المضافة عن المدة الباقية للمنتفع لبلوغه سن التقاعد.

\* مادة ١٩ - يسرى المعاش في حالة الفصل بسبب الوفاة أو عدم اللياقة الصحية نتيجة حادث وقع أثناء تأدية العمل أو بسببه على أساس ثلاثة أرباع المرتب الأخير مهما كانت مدة خدمته ويعتبر في حكم الحادث الذى يقع أثناء الخدمة أو بسببها كل حادث يقع للمنتفع خلال فترة زهابه لمباشرة العمل وعودته منه كما يمنح المنتفعون الذين يفصلون بسبب الظروف المشار إليها أو المستقيدون عنهم في حالة وفاتهم تعويضا إضافيا قدرة (٥٠%) من قيمة التأمين السدى يستحق لهم وفقا للمادة (١٠).

وتحدد اللائحة التنفيذية الإجراءات الواجب اتباعها لإثبات أن الحادث وقع أثناء تأدية العمل وبسببه .

مسوية  
وبة في

كليف  
المسد  
راكات

وذلك

وهي

قرار

ية في  
مدة

\* تعدلت بالأمر رقم ٧٥/٥١٥ لتصبح ( مادة ١٨ - مع عدم الإخلال بحكم المادة ٢٠\* يستحق المعاش في حالة الفصل بسبب عدم اللياقة الصحية أو الوفاة مهما كانت مدة الخدمة - ويربط المعاش بحد أدنى قدرة ٤٠% من مبلغ المرتب الأخير المشار إليها في المادة ١٥\* أو على أساس مدة خدمة المنتفع المحسوبة في المعاش مضافا إليها ثلاث سنوات أى المعاشين أكبر بشرط ألا تزيد المدة المضافة عن المدة الباقية للمنتفع لبلوغه سن التقاعد . )

- بدء سريان التعديل ١٩٧٤/٢/١

\* \* تعدلت بالأمر رقم ٧٥/٥١٥ لتصبح ( مادة ١٩ - يسرى المعاش في حالة الفصل بسبب الوفاة أو عدم اللياقة الصحية نتيجة حادث وقع أثناء تأدية العمل أو بسببه على أساس ٧٠% من المرتب الأخير حسب محلوله في المادة ١٥ مهما كانت مدة خدمته ويعتبر في حكم الحادث الذى يقع أثناء الخدمة أو بسببها كل حادث يقع للمنتفع خلال فترة زهابه لمباشرة العمل وعودته منه كما يمنح المنتفعون الذين يفصلون بسبب الظروف المشار إليها أو المستقيدون عنهم في حالة وفاتهم تعويضا إضافيا قدره ٥٠% من قيمة التأمين الذى يستحق لهم وفقا للمادة ١٠ وتحدد اللائحة التنفيذية الإجراءات الواجب اتباعها لإثبات أن الحادث وقع أثناء تأدية العمل وبسببه . )

- بدء سريان التعديل ١٩٧٤/٢/١ .

- مادة ٢٠ - مع مراعاة حكم المادة (١٨) يكون الحد الأدنى للمعاشات في غير حالة الاستقالة بالنسبة للمنتفع وفقاً لما يلي :
- (أ) ٥٠% من المرتب الشهري أو جنيهاً أيهما أقل لمن تقل مرتباتهم الشهرية عن خمسة جنيهاً .
- (ب) ٤٠% من المرتب الشهري أو ثلاثة جنيهاً أيهما أقل لمن تبلغ مرتباتهم الشهرية خمسة جنيهاً وتقل عن عشرة .
- (ج) ٣٠% من المرتب الشهري أو خمسة جنيهاً أيهما أقل لمن تبلغ مرتباتهم الشهرية عشرة جنيهاً فأكثر .
- وإذا نقصت قيمة معاش المستحق عن المنتفع أو صاحب المعاش عن خمسين قرشاً شهرياً لكل مستحق رفع مجموعها إلى هذا القدر بشرط ألا يتجاوز مجموع ما يمنح للمستحقين معاش المورث .
- مادة ٢١ - يخفض المعاش في حالة الاستقالة بنسبة تختلف تبعاً للسن وفقاً للجدول رقم ٢ المرفق ، وذلك مع مراعاة أحكام المادة (٢٤) .
- \* مادة ٢٢ - يجب ألا يجاوز الحد الأقصى للمعاش في الشهر ثلاثة أرباع متوسط المرتبات المشار إليها في المادة (١٥) أو تسعون جنيهاً أيهما أقل .
- \* \* مادة ٢٣ - إذا انتهت خدمة المنتفع ولم تكن مدة خدمته قد بلغت القدر الذي يعطيه الحق في المعاش وفقاً لأحكام هذا القانون استحق مكافأة تحسب على أساس ١٥% من المرتب السنوي عن كل سنة من سنوات الخدمة المشار إليها .
- وفي غير حالات بلوغ سن التقاعد لا تستحق أية مكافأة إذا قلت مدة الخدمة عن ثلاث سنوات .

\* تعدلت بالأمر رقم ٧٥/٥١٥ لتصميم (مادة ٢٢ - على الرغم مما ورد في المادة ١٦ لا يجوز أن يزيد الحد الأقصى للمعاش الشهري على ٧٠% من المبلغ المحدد في المادة ١٥ (١) ) .

- "بدء سريان التعديل ١٩٧٤/٢/١"

\* \* تعدلت بالقانون رقم ١٦/٢ وكذلك بالأمر رقم ٨٠/٦٣٦ لتصميم (مادة ٢٣ - إذا انتهت خدمة المنتفع ولم تكن مدة خدمته قد بلغت القدر الذي يعطيه الحق في المعاش وفقاً لأحكام هذا القانون - استحق مكافأة تحسب على أساس ١٥% من المرتب السنوي عن كل سنة من سنوات الخدمة المشار إليها . وفي غير حالات بلوغ سن التقاعد لا تستحق أية مكافأة إذا قلت مدة الخدمة عن ثلاث سنوات . غير أنه إذا أنهى المستخدم عمله قبل مرور ثلاث سنوات لأي سبب خلاف الاستقالة أو الإقالة التأديبية دون أن يتقاضى أي مبلغ آخر بموجب هذا القانون فيدفع له مبلغ يعادل حاصل ضرب أشهر عمله في ١٠% من راتبه الإجمالي عن الشهر الأخير لعمله ) .

- "بدء سريان التعديل الأخير ١٩٨٠/٣/٥"

لا تسري الأحكام المخصوص عليها في المادة (٢١) الخاصة بخفض المعاش في حالة الاستقالة على المنتفعين الذين يقف انتفاعهم بأحكام هذا القانون بسبب التحاقهم بالعمل سواء كان ذلك بطريق التعيين أو الانتخاب في المجلس التشريعي أو المجالس المحلية أو المنظمات الشعبية أو الشركات التي تساهم فيها الإدارة .

مادة ٢٤ -

لاستقالة

رية عن

نجاتهم

في حساب المعاش أو المكافأة ومبلغ التأمين يدخل في تقدير المرتب الأخير ما يكون قد استحقه المنتفع من زيادة في مرتبه ولو لم يكن قد حل موعد صرفها .

مادة ٢٥ -

نجاتهم

### الفصل الثالث

#### المستحقون والذين لا حق لهم في المعاش

سين

مجموع

إذا توفي المنتفع أو صاحب المعاش كان للمستحقين عنه في تقاضي معاشات وفقا للأصلية والأحكام المقررة بالجدول رقم ٣ المرفق .

مادة ٢٦ -

رقم ٢

وتصرف المعاشات في هذه الحالة اعتبارا من أول الشهر الذي حدثت فيه الوفاة إلا إذا كان صاحب المعاش قد تقاضى معاشة مقدما قبل أول الشهر وتوفي قبل حلول ذلك التاريخ ففي هذه الحالة يصرف المعاش إلى المستحقين عنه اعتبارا من أول الشهر التالي لتاريخ الوفاة .

يات

ق في

مرتب

ويقصد بالمستحقين في المعاش :-

ة عن

١- أرملة المنتفع أو صاحب المعاش .

٢- أولاده ومن يعولهم من إخوانه الذكور الذين لم يجاوزوا الحادية والعشرين وقت وفاته .

الحد :

٣- أولاده ومن يعولهم من إخوانه الذكور الذين جاوزوا الحادية والعشرين وقت وفاته وكانوا في إحدى مراحل التعليم التي لا تجاوز التعليم الجامعي أو العالي ، ففي هذه الحالة يعتبرون ضمن المستحقين للمعاش بصفة مؤقتة - وذلك إلى أن يبلغوا السادسة والعشرين أو تنتهي دراستهم أي التارخين أقرب .

خدمة

تقاء

ت بلوغ

مرور

في دفع

وفي الحالة الأخيرة يستمر الصرف حتى نهاية شهر أكتوبر من السنة التي انتهت فيها الدراسة .